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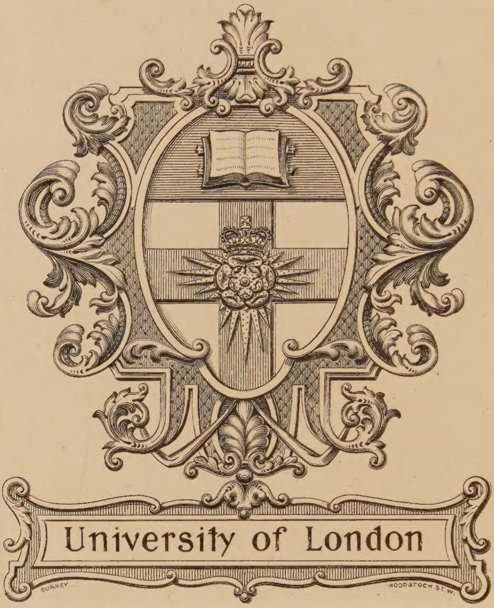

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HANSARD'S

PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

50° & 51 VICTORIÆ, 1887.

VOL. CCCXVIII.

COMPRISING THE PERIOD FROM

THE TWENTY-SIXTH DAY OF JULY, 1887,

TO

THE TENTH DAY OF AUGUST, 1887.

Ninth Volume of the Session.

LONDON:
PUBLISHED BY CORNELIUS BUCK & SON,
AT THE OFFICE FOR "HANSARD'S PARLIAMENTARY DEBATES,
22, PATERNOSTER ROW. [E.C.]

1887.

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Agricultural Labourers' Holidays (Scotland) Bill [Bill 311]—

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Smoke Nuisance Abatement (Metropolis) Bill (No. 175)—

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Amendment *moved*,

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After short debate, on Question, Whether the words proposed to be left out stand part of the Motion?—Their Lordships *divided;* Contents 12, Not-Contents 30; Majority 18.

Resolved in the *negative:*—Motion, as amended, *agreed to.*

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Irish Land Law Bill [*Lords*] [Bill 308]—

Bill *considered* in Committee [*Progress 29th July*] [SIXTH NIGHT] .. 730

After long time spent therein, Committee report Progress; to sit again *To-morrow.*

Trustee Savings Bank Bill [Bill 334]—

Bill *considered* in Committee 860

After short time spent therein, Committee report Progress; to sit again upon *Thursday.*

Municipal Regulation (Constabulary, &c.) (Belfast) Bill—

Order read, for resuming Adjourned Debate on Appointment of Select Committee [26th July] 861

Moved, "That the Debate be further adjourned till Thursday:"—Question put, and *agreed to*:—Debate *further adjourned* till *Thursday.*

Metropolitan Board of Works (Money) Bill [Bill 345]—

Moved, "That the Bill be now read a second time,"—(*Mr. Jackson*) .. 861

After debate, *Moved,* "That the Debate be now adjourned,"—(*Mr. Sexton*:)—After further short debate, Question put:—The House *divided*; Ayes 53, Noes 108; Majority 55.—(Div. List, No. 340.) [2.20 A.M.]

Original Question again proposed 867

Moved, "That this House do now adjourn,"—(*Dr. Clark*:)—After short debate, Motion, by leave, *withdrawn.*

Original Question again proposed:—Debate *adjourned* till *Thursday.*

Open Spaces (Dublin) Bill [Bill 80]—

Bill *considered* in Committee [*Progress 25th July*] 869

Bill *reported*; as amended, to be considered upon *Thursday*, and to be *printed.* [Bill 346.]

Markets and Fairs (Weighing of Cattle) Bill [*Lords*] [Bill 337]—

Bill, as amended, *considered* 870

Moved, "That the Bill be now read the third time,"—(*Sir Richard Paget*:)—After short debate, Question put, and *agreed to*:—Bill read the third time, and *passed*, with Amendments.

MOTIONS.

Merchant Shipping (Miscellaneous) Bill—*Ordered* (*Baron Henry De Worms, Mr. Jackson*); *presented*, and read the first time [Bill 348] 871

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Margarine (Fraudulent Sale) Bill (No. 169)—

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After short debate, *Moved*, "That the House do now resolve itself into Committee upon the said Bill,"—(*The Lord Basing*:)—After further short debate, *Resolved* in the *affirmative*:—House in Committee accordingly.

Amendment made; the Report thereof to be received on *Friday* next; and Bill to be *printed*, as amended. (No. 205.)

Trinidad and Tobago Bill (No. 195)—

Moved, "That the Bill be now read 2ª,"—(*The Earl of Onslow*) .. 877

After short debate, Motion *agreed to*; Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

Allotments and Cottage Gardens Compensation Bill (No. 155)

House in Committee (according to Order) 878

Bill *reported* without Amendment; and to be read 3ª on *Thursday* next.

INDUSTRIAL AND REFORMATORY SCHOOLS — RECOMMENDATIONS OF THE ROYAL COMMISSION—Question, The Earl of Milltown; Answer, Earl Brownlow 883

[6.15.]

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PRIVATE BUSINESS.

Dublin, Wicklow, and Wexford Railway (City of Dublin Junction Railways) Bill (by Order)—

Moved, "That the Bill be now read the third time" 883

Amendment proposed, to leave out the words "now read the third time," in order to insert the word "re-committed," — (*Dr. Kenny*:)—Question proposed, "That the words "now read the third time,' stand part of the Question:"—After debate, Question put:—The House *divided*; Ayes 192, Noes 55; Majority 137.—(Div. List, No. 341.)

Main Question put, and *agreed to*:—Bill read the third time, and *passed*.

QUESTIONS.

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Bankruptcy Courts (Ireland) Bill [Bill 124]—

Order for Committee read, and *discharged* 1035

Moved, "That the Bill be referred to a Select Committee,"—(*Mr. Sexton:*) —Question put, and *agreed to*:—Bill *committed* to a Select Committee.

Ordered, That the Bill be committed to a Select Committee of Seven Members, Four to be nominated by the House, and Three by the Committee of Selection.

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Considered in Committee 1036

Resolution *agreed to*; to be reported *To-morrow*.

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PRIVATE BUSINESS.

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Moved, "That the Bill be now read a second time,"—(*Sir Edward Watkin*) 1037

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Baron Henry De Worms.*)

Question proposed, "That the word 'now' stand part of the Question:" —After short debate, Question put:—The House *divided;* Ayes 107, Noes 153; Majority 46.—(Div. List, No. 348.)

Words *added*:—Main Question, as amended, put, and *agreed to*:—Second Reading *put off* for three months.

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Irish Land Law Bill [*Lords*] [Bill 308]—

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After long time spent therein, Bill *reported;* as amended, to be *considered* upon *Friday*, and to be *printed*. [Bill 355.]

Public Parks and Works (Metropolis) (*re-committed*) **Bill**—

Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. Plunket*) 1121

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Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. Northcote*) 1122

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(In the Committee.)

(1.) Motion made, and Question proposed, "That a sum, not exceeding £1,232,500, be granted to Her Majesty, to defray the Charge for Retired Pay, Retired Full Pay, and Gratuities for Reduced and Retired Officers, including Payments awarded by the Army Purchase Commissioners, which will come in course of payment during the year ending on the 31st day of March 1888" 1179

Moved, "That a sum, not exceeding £1,231,550, be granted for the said Service,"—(*Mr. Hanbury*:)—After long debate, Motion, by leave, *withdrawn*.

Original Question again proposed 1257

Moved, "That a sum, not exceeding £1,232,450, be granted for the said Service,"—(*Mr. Hanbury*:)—Question put:—The Committee *divided;* Ayes 132, Noes 145; Majority 13. [16.35 P.M.]

Division List, Ayes and Noes 1257

Original Question again proposed 1260

After short debate, Original Question put, and *agreed to.*

(2.) £59,800, Divine Service.—After short debate, Vote *agreed to* 1270

(3.) Motion made, and Question proposed, "That a sum, not exceeding £36,000, be granted to Her Majesty, to defray the Charge for the Administration of Military Law, which will come in course of payment during the year ending on the 31st day of March 1888" 1274

After short debate, *Moved*, "That a sum, not exceeding £34,000, be granted for the said Service,"—(*Mr. Labouchere*:)—After further short debate, Question put:—The Committee *divided;* Ayes 92, Noes 164; Majority 72.—(Div. List, No. 352.)

Original Question put, and *agreed to.* [12.45 A.M.]

(4.) Motion made, and Question proposed, "That a sum, not exceeding £324,000, be granted to Her Majesty, to defray the Charge for Medical Establishments and Services, which will come in course of payment during the year ending on the 31st day of March 1888" 1297

After short debate, *Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Dr. Tanner*:)—After further short debate, Motion, by leave, *withdrawn*.

Original Question again proposed 1306

After short debate, Original Question put, and *agreed to.*

(5.) Motion made, and Question proposed, "That a sum, not exceeding £571,500, be granted to Her Majesty, to defray the Charge for the Pay and Allowances of a Force of Militia, not exceeding 136,280, including 30,000 Militia Reserve, which will come in course of payment during the year ending on the 31st day of March 1888" 1307

After short debate, *Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Dr. Tanner*:)—After short debate, Question put, and *negatived.*

Original Question put, and *agreed to.*

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

Municipal Regulation (Constabulary, &c.) (Belfast) Bill [Bill 291]—MOTION FOR SELECT COMMITTEE [ADJOURNED DEBATE]—

Order read, for resuming Adjourned Debate on Question [26th July:]—Question again proposed:—Debate *resumed* 1311

After short debate, Question put, and *agreed to.*

Ordered, That all Petitions against the Bill, presented two clear days before the meeting of the Committee, be referred to the Committee; that the Petitioners praying to be heard by themselves, their Counsel, or Agents, be heard against the Bill, and Counsel heard in support of the Bill.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That Three be the quorum.—(*Colonel King-Harman.*)

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Distressed Unions (Ireland) Bill [Bill 307]—
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First Offenders Bill [Bill 189]—
Lords' Amendments *considered* 1312
Moved, "That this House doth agree with the Lords in the said Amendments,"—(*Mr. Howard Vincent*:)—*Moved*, "That the Debate be now adjourned,"—(*Dr. Tanner*:)—Question put, and *negatived*.
Original Question put, and *agreed to*:—Lords' Amendments *agreed to*.

Agricultural Labourers' Holidays (Scotland) Bill [Bill 311]—
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Stannaries Act (1869) Amendment (*re-committed*) **Bill** [Bill 342]—
Bill *considered* in Committee 1314
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MOTIONS.

Universities (Scotland) Bill—*Ordered* (*The Lord Advocate, Mr. Solicitor General for Scotland*); *presented*, and read the first time [Bill 357] 1322

SITTING OF THE HOUSE (SATURDAY)—
Resolved, That the Sitting of the House on Saturday next be held subject to the Standing Orders that regulate the Sitting of the House on Wednesdays.—(*Mr. William Henry Smith.*)

[3.0.]

LORDS, FRIDAY, AUGUST 5.

AGRICULTURE—THE HESSIAN FLY—Question, The Earl of Winchilsea; Answer, The Lord President of the Council (Viscount Cranbrook) .. 1323

Margarine (Fraudulent Sale) Bill (No. 205)—
Amendments *reported* (according to Order) 1323
Amendments made: Bill to be read 3ª on *Monday* next; and to be *printed*, as amended. (No. 215.)

Secretary for Scotland Act (1885) Amendment Bill (No. 194)—
Moved, "That the Bill be now read 3ª,"—(*The Marquess of Lothian*) .. 1340
After short debate, Motion *agreed to*; Bill read 3ª accordingly, and *passed*, and sent to the Commons.

Licensed Premises (Earlier Closing) (Scotland) Bill (No. 183)—
Moved, "That the Bill be now read 2ª,"—(*The Earl of Camperdown*) .. 1343
After short debate, Motion *agreed to*; Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

COLONIAL GOVERNMENTS—NAVAL AND MILITARY OFFICERS ON THE ACTIVE AND RETIRED LISTS—Question, Lord Truro; Answer, The Prime Minister and Secretary of State for Foreign Affairs (The Marquess of Salisbury) 1347

LEGISLATION (IRELAND)—Question, Earl Granville; Answer, The Prime Minister and Secretary of State for Foreign Affairs (The Marquess of Salisbury) 1348

[7.30.]

COMMONS, FRIDAY, AUGUST 5.

QUESTIONS.

IRISH LAND LAW BILL—TRINITY COLLEGE LEASES—Question, Mr. Blane; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1348

POST OFFICE — POSTAGE OF UNSEALED ENVELOPES — Question, Mr. H. Gardner; Answer, The Postmaster General (Mr. Raikes) .. 1349

RESTRAINTS ON TRADE — MINERAL WATER BOTTLE EXCHANGE SOCIETY—Question, Mr. Bradlaugh; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1350

THE MAGISTRACY (IRELAND)—MR. J. E. BARRETT, J.P., CO. CORK—Questions, Mr. Gilhooly, Mr. Sexton; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1350

SEA FISHERIES (IRELAND)—SUNKEN ANCHORS IN BANTRY BAY—Questions, Mr. Gilhooly, Dr. Tanner; Answers, The Secretary to the Board of Trade (Baron Henry De Worms) 1351

COMMISSIONERS OF SUPPLY, ORKNEY—INSPECTION OF ACCOUNTS—Question, Mr. Lyell; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) 1352

ARMY CONTRACTS — CONTRACT FOR 150,000 SWORD BAYONETS—Questions, Mr. Powell-Williams, Mr. Puleston; Answers, The Secretary of State for War (Mr. E. Stanhope) 1352

WAR OFFICE—6TH BRIGADE, SOUTH WEST DIVISION OF ARTILLERY—Question, Dr. Tanner; Answer, The Secretary of State for War (Mr. E. Stanhope) 1353

PUBLIC FOOT AND BRIDLE WAYS—CLAYBURY PARK AND BARKING SIDE—Question, Mr. Channing; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1353

ROYAL IRISH CONSTABULARY—DISCHARGE OF CONSTABLE AUSTIN—LAW AND POLICE (IRELAND)—ABINA AUSTIN—Questions, Dr. Tanner; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1355

EGYPT—RETURN OF ZEBEHR PASHA — Questions, Sir Robert Fowler, Mr. Dillon; Answers, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) 1357

EXTRAORDINARY TITHE ACT, 1886—ACREAGE OF HOP CULTIVATION—Question, Mr. Norton; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1357

LAW AND JUSTICE (IRELAND)—CORPORATION OF DUBLIN—COSTS OF PROSECUTIONS—Questions, Mr. Murphy; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1358

CRIMINAL LAW AND PROCEDURE (IRELAND) ACT, 1887—PROCLAMATION OF 18 COUNTIES—Questions, Mr. Sexton; Answers, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1358

CIVIL SERVICE REGULATIONS—WRITERS' HOLIDAYS—Question, Mr. Gilhooly; Answer, The Secretary to the Treasury (Mr. Jackson) 1361

CRIMINAL LAW AND PROCEDURE (IRELAND) ACT, 1887—PROCLAMATION OF "DANGEROUS ASSOCIATIONS"—Questions, Mr. E. Robertson; Answers, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1362

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IRISH LAND LAW BILL—CLAUSE 4—Question, Mr. J. E. Ellis; Answer, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1363

SAVING LIFE AT SEA—REPORT OF THE COMMITTEE—Question, Mr. Puleston; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) 1363

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STATE OF IRELAND—CIRCULAR TO DIVISIONAL MAGISTRATES—Questions, Mr. P. O'Brien, Mr. Sexton; Mr. Edward Harrington; Answers, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1364

RAILWAYS (ENGLAND AND WALES) — STRIKE OF ENGINE DRIVERS, &C. ON THE MIDLAND RAILWAY—Questions, Mr. P. O'Brien, Mr. Lawson, Mr. Arthur O'Connor; Answers, The Secretary to the Board of Trade (Baron Henry De Worms) 1365

POST OFFICE (TELEGRAPH DEPARTMENT)—CLERKS AT THE CENTRAL TELEGRAPH OFFICE — Question, Mr. M'Cartan; Answer, The Postmaster General (Mr. Raikes) 1367

CRIMINAL LAW AND PROCEDURE (IRELAND) ACT, 1887 — PROCLAMATIONS—Questions, Mr. J. E. Ellis; Answers, The Chief Secretary for Ireland (Mr. A. J. Balfour); Question, Mr. Sexton [No reply].. .. 1368

POST OFFICE (IRELAND) — TELEGRAPH OFFICE AT SMITHBOROUGH, CO. MONAGHAN — Question, Mr. P. O'Brien; Answer, The Postmaster General (Mr. Raikes) 1369

BOARD OF TRADE—SUPPOSED TIDAL WAVE IN THE ATLANTIC — Question, Mr. Rowntree; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) 1370

CIVIL SERVICE WRITERS—MINUTE RELATING TO BONUSES—Question, (Mr. O. V. Morgan; Answer, The Secretary to the Treasury (Mr. Jackson) 1370

WAR OFFICE—ORDNANCE STORE DEPARTMENT—COMMITTEE OF INQUIRY—Question, Mr. De Lisle; Answer, The Secretary of State for War (Mr. E. Stanhope) 1370

POST OFFICE — DISMISSAL OF MR. J. MEUX, POSTMASTER OF HAYWARD'S HEATH — Question, Mr. Conybeare; Answer, The Postmaster General (Mr. Raikes) 1371

METROPOLITAN BOARD OF WORKS—THE NORTHERN OUTFALL SEWER WORKS —Question, Mr. Pickersgill; Answer, Mr. Tatton Egerton .. 1372

ADMIRALTY—THE APPOINTMENT OF PRINCE LOUIS OF BATTENBERG—Questions, Mr. Pickersgill, Lord Randolph Churchill, Mr. Conybeare; Answers, The First Lord of the Admiralty (Lord George Hamilton), Mr. Speaker; Question, Dr. Tanner [No reply] 1372

NORTH SEA FISHERIES — SEIZURE OF THE SMACK "LADY GODIVA" — THE PAPERS—Question, Sir Edward Birkbeck; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) 1374

NORTH SEA FISHERIES CONVENTION — SEIZURE OF THE SMACK "LADY GODIVA"—Question, Mr. Heneage; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1374

METROPOLITAN BOARD OF WORKS—DISPOSAL OF SURPLUS LAND—Questions, Mr. O. V. Morgan, Colonel Hughes; Answers, The Secretary of State for the Home Department (Mr. Matthews) 1375

ADMIRALTY—THE NAVAL MANŒUVRES—REPORTED ACCIDENTS — Questions, Mr. Puleston, Sir Wilfrid Lawson, Sir Frederick Mappin; Answers, The First Lord of the Admiralty (Lord George Hamilton) .. 1376

LIGHTHOUSE ILLUMINANTS—MONOPOLY OF LENTICULAR APPARATUS—Question, Mr. Lea; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) 1377

CHINA—REPORTED COMMERCIAL CONCESSIONS TO AN AMERICAN SYNDICATE —Question, Mr. E. Robertson; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) 1378

FISHERY BOARD (SCOTLAND)—RECONSTITUTION—Questions, Dr. Clark, Mr. Esslemont, Mr. Buchanan; Answers, The Lord Advocate (Mr. J. H. A. Macdonald), The First Lord of the Treasury (Mr. W. H. Smith) .. 1378

BUSINESS OF THE HOUSE—CONVEYANCING (SCOTLAND) ACTS AMENDMENT BILL—Question, Mr. Lyell; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1379

WALES—THE TITHE RIOTS—Question, Mr. Stanley Leighton; Answer, The Secretary of State for the Home Department (Mr. Matthews) .. 1379

LAW AND POLICE—INFLICTION OF CORPORAL PUNISHMENT ON A BOY AT ILKESTON—Question, Mr. C. S. Kenny; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1379

BUSINESS OF THE HOUSE—Question, Mr. W. E. Gladstone; Answer, The First Lord of the Treasury (Mr. W. H. Smith) [Further Questions thereon] 1380

IRISH LAND LAW BILL—THE DUKE OF ABERCORN—Question, Mr. P. O'Brien; Answer, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1381

EXTRA-PARLIAMENTARY UTTERANCES — COLONEL SAUNDERSON—Questions, Sir Wilfrid Lawson, Mr. Conybeare, Colonel Saunderson, Mr. Sexton; Answers, Mr. Speaker, The First Lord of the Treasury (Mr. W. H. Smith) 1382

ORDERS OF THE DAY.

Irish Land Law Bill [*Lords*] [Bill 308]—

Order for Consideration, as amended, read:—*Moved*, "That the Bill be re-committed in respect to an Amendment to Clauses 10 and 24 respectively,"—(*Mr. Arthur Balfour*) 1383

Amendment proposed, at the end of the Question, to add the words "and also in respect of Clauses 7 and 26,"—(*Mr. Dillon:*)—Question proposed, "That those words be there added:"—After debate, Question put:—The House *divided;* Ayes 129, Noes 180; Majority 51. —(Div. List, No. 353.) [8.0 P.M.]

Main Question put, and *agreed to:*—Bill *re-committed* in respect to an Amendment to Clauses 16 and 24, respectively.

Bill *considered* in Committee: — After short time spent therein, Bill *reported.*

Bill, as amended, *considered:*—After debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. A. J. Balfour:*)—Question put, and *agreed to:* —Debate *adjourned* till *To-morrow.*

METROPOLITAN POLICE BILL—

Read a second time, and *committed* to a Select Committee of Five Members, Three to be nominated by the House, and Two by the Committee of Selection.

Ordered, That all Petitions presented against the Bill, before the meeting of the Committee, be referred to the Committee; that the Petitioners praying to be heard by themselves, their Counsel, or Agents, be heard against the Bill, and Counsel heard in support of the Bill.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That Three be the quorum.—(*Mr. Secretary Matthews.*)

MOTIONS.

Technical Schools (Scotland) Bill—*Ordered* (*The Lord Advocate, Mr. Solicitor General for Scotland, Sir Herbert Maxwell*); *presented,* and read the first time [Bill 358] 1451

Municipal Regulation (Constabulary, &c.) (Belfast) Bill—

Select Committee *nominated:*—List of the Committee 1451

Ordered, That it be an Instruction to the Select Committee on Municipal Regulation (Constabulary, &c) (Belfast) Bill that they do report the Bill on or before Monday 15th August.—(*Colonel King-Harman.*)

Bankruptcy Courts (Ireland) Bill—
Select Committee *nominated* :—List of the Committee 1451

MUNICIPAL REGULATION (CONSTABULARY, &C.) (BELFAST) [SALARIES]—
Moved, "That this House will, upon Monday next, resolve itself into a Committee to consider of authorising the payment, out of moneys to be provided by Parliament, of a portion of the Salaries of any additional Police Magistrates for the borough of Belfast, that may be appointed under any Act of the present Session to amend the Acts relating to the Royal Irish Constabulary, and to make provision for the appointment of a Watch Committee in Belfast, and for other purposes in relation thereto" (Queen's *Recommendation* signified) 1451
Debate arising :—Debate *adjourned* till *Monday* next.

[2.45.]

COMMONS, SATURDAY, AUGUST 6.

QUESTIONS.

CIVIL SERVICE (IRELAND)—CASE OF MR. W. J. BAYLEY, LATE OF THE REGISTRAR GENERAL'S OFFICE, DUBLIN — Question, Mr. Murphy; Answer, The Secretary to the Treasury (Mr. Jackson) 1452

LAW AND JUSTICE (IRELAND)—CASES OF FELONY TRIED IN DUBLIN—REPAYMENT OF COSTS OF PROSECUTIONS—Questions, Mr. Murphy; Answers, The Attorney General for Ireland (Mr. Gibson) .. 1452

LAND (IRELAND) — INCIDENCE OF TAXATION — Question, Mr. Penrose-Fitzgerald; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1453

ORDERS OF THE DAY.

Irish Land Law Bill [*Lords*] [Bill 355]—CONSIDERATION [ADJOURNED DEBATE]—
Adjourned Debate [5th August], on Consideration of the Bill, as amended, *resumed* 1454
After debate, Bill read the third time, and *passed.*

Tramways (Ireland) Acts Amendment Bill [Bill 338]—
Moved, "That the Bill be now read a second time,"—(*Mr. Kimber*) .. 1492
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Chance* :)—Question proposed, "That the word 'now' stand part of the Question :"—After short debate, it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *Monday* next.

QUESTIONS.

BUSINESS OF THE HOUSE—ORDER OF PUBLIC BUSINESS—Questions, Mr. Marjoribanks, Mr. E. Robertson; Answers, The First Lord of the Treasury (Mr. W. H. Smith), The Lord Advocate (Mr. J. H. A. Macdonald) 1494

RAILWAYS (ENGLAND AND WALES)—THE STRIKE ON THE MIDLAND RAILWAY—Question, Sir Frederick Mappin; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) 1495

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THE NATIONAL RIFLE ASSOCIATION—PROPOSED REMOVAL—WIMBLEDON COMMON—RESOLUTION—

Moved, "That the removal of the National Rifle Association from Wimbledon Common is a question of national importance, and deserves the serious attention of Her Majesty's Government,"—(*The Earl of Wemyss*) 1496

After debate, Motion (by leave of the House) *withdrawn.*

Truck Bill (No. 179)—

House in Committee (according to Order) 1515

Amendments made; the Report thereof to be received on *Thursday* next; and Bill to be *printed*, as amended. (No. 222.)

MARRIAGE ACTS—SEBRIGHT MARRIAGE—REGISTRAR OF MOUNT STREET—Question, Lord Stanley of Alderley; Answer, Lord Balfour; Observations, Lord Bramwell 1517

Agricultural Labourers' Holidays (Scotland) Bill (No. 212)—

Moved, "That the Bill be now read 2ª,"—(*The Earl of Camperdown*) .. 1519

After short debate, on Question? *Resolved* in the *affirmative*:—Bill read 2ª accordingly. [7.30.]

COMMONS, MONDAY, AUGUST 8.

QUESTIONS.

MERCHANT SHIPPING ACTS—LOSS OF THE "CARMONA"—Question, Mr. Edwards-Moss; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) 1522

SOUTH AFRICA (NATAL)—THE CHIEF LANGALIBALELE—Question, Mr. Dillwyn; Answer, The Secretary of State for the Colonies (Sir Henry Holland) 1522

ADMIRALTY—INSTRUCTION OF ENGINEER OFFICERS—Question, Sir Edward J. Reed; Answer, The Secretary to the Admiralty (Mr. Forwood) .. 1523

BOARD OF TRADE—BUREAU OF LABOUR STATISTICS—Question, Mr. Bradlaugh; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) 1523

HER MAJESTY'S JUBILEE—THE AMNESTY—Question, Mr. Bradlaugh; Answer, The Secretary of State for War (Mr. E. Stanhope) .. 1524

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EGYPT (FINANCE, &c.)—GENERAL GORDON'S PAPER MONEY—Question, Mr. Munro-Ferguson; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) 1526

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ORDERS OF THE DAY.

SUPPLY—*considered* in Committee—CIVIL SERVICE ESTIMATES—

(In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

(1.) £8,227, to complete the sum for the Lunacy Commission, England.

(2.) £36,789, to complete the sum for the Mint, including Coinage.

(3.) £8,966, to complete the sum for the National Debt Office.

(4.) £34,204, to complete the sum for the Patent Office, &c.

(5.) £16,190, to complete the sum for the Paymaster General's Office.

(6.) £6,077, to complete the sum for the Public Works Loan Commission.

(7.) £10,393, to complete the sum for the Record Office.—After short debate, Vote *agreed to* 1559

(8.) £30,693, to complete the sum for the Registrar General's Office, England.

(9.) Motion made, and Question proposed, "That a sum, not exceeding £336,260, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for Stationery, Printing, and Paper, Binding, and Printed Books for the several Departments of Government in England, Scotland, and Ireland, and some Dependencies, and for the two Houses of Parliament, and for the Salaries and Expenses of the Establishment of the Stationery Office, and the cost of Stationery Office Publications, and of the Gazette Offices; and for sundry Miscellaneous Services, including a Grant in Aid of the publication of Parliamentary Debates" .. 1565

Moved, "That a sum, not exceeding £326,260, be granted to Her Majesty for the said Service,"—(*Mr. Jennings*:)—After debate, Motion, by leave, *withdrawn*.

Original Question again proposed 1590

Moved, "That a sum, not exceeding £334,260, be granted for the said Services,"—(*Mr. Labouchere*:)—After debate, Motion, by leave, *withdrawn*.

Original Question again proposed 1610

After short debate, Original Question put, and *agreed to*.

(10.) Motion made, and Question proposed, "That a sum, not exceeding £13,761, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Office of Her Majesty's Woods, Forests, and Land Revenues, and of the Office of the Land Revenue Records and Inrolments" 1618

After debate, *Moved*, "That a sum, not exceeding £12,761, be granted for the said Services,"—(*Mr. Labouchere*:)—Question put:—The Committee *divided*; Ayes 71, Noes 143; Majority 72.—(Div. List, No. 365.)

Original Question again proposed 1637

After short debate, *Moved*, "That a sum, not exceeding £8,761, be granted for the said Services,"—(*Mr. J. W. Barclay*:)—Question put:—The Committee *divided*; Ayes 78, Noes 150; Majority 72.—(Div. List, No. 366.)

Original Question put, and *agreed to*.

(11.) £30,967, to complete the sum for Works and Public Buildings Office.—After short debate, Vote *agreed to* 1651

(12.) £10,000, to complete the sum for the Mercantile Marine Fund (Grant in Aid).—After debate, Vote *agreed to* 1652

(13.) Motion made, and Question proposed, "That a sum, not exceeding £30,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for Her Majesty's Foreign and other Secret Services" 1664

Supply—Civil Service Estimates—Committee—*continued.*
Moved, "That a sum, not exceeding £20,000, be granted for the said Services,"—(*Mr. Labouchere*:)—After short debate, Motion, by leave, *withdrawn.*
Original Question again proposed 1667
After short debate, Question put:—The Committee *divided;* Ayes 137, Noes 42; Majority 95.—(Div. List, No. 367.)
Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

Metropolitan Board of Works (Money) Bill [Bill 345]—
Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. Jackson*) 1668
After debate, Question put, and *agreed to*:—Bill *considered* in Committee.
After short time spent therein, Bill *reported*, without Amendment; to be read the third time *To-morrow.*

Agricultural Holdings Bill [Bill 87]—
Moved, "That the Order for the Second Reading be discharged,"—(*Mr. Channing*) 1688
Question put, and *agreed to*:—Order *discharged*:—Bill *withdrawn.*

MOTIONS.

Local Authorities (Expenses) Bill—*Ordered* (*Mr. Ritchie, Mr. Jackson, Mr. Long*); *presented*, and read the first time [Bill 361] 1689

Charity Commissioners (Officers) Bill—*Ordered* (*Mr. Jackson, Mr. William Henry Smith*); *presented*, and read the first time [Bill 362] 1689

Expiring Laws Continuance Bill—*Ordered* (*Mr. Jackson, Sir Herbert Maxwell*); *presented*, and read the first time [Bill 363] 1689

Public Works Loans Bill—*Ordered* (*Mr. Jackson, Mr. Chancellor of the Exchequer, Sir Herbert Maxwell*); *presented*, and read the first time [Bill 364] 1689

[2.25.]

LORDS, TUESDAY, AUGUST 9.

Licensed Premises (Earlier Closing) (Scotland) Bill (No. 183)—
Moved, "That the House do now resolve itself into Committee upon the said Bill,"—(*The Earl of Camperdown*) 1689
After short debate, Motion *agreed to*:—House in Committee accordingly.
Amendments made; the Report thereof to be received on *Thursday* next; and Bill to be *printed* as amended. (No. 223.)

Settled Land Act (1882) Amendment Bill (No. 220)—
Moved, "That the Bill be now read 2ª,"—(*The Lord Macnaghten*) .. 1697
Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

Stannaries Act (1869) Amendment Bill (No. 216)—
Moved, "That the Bill be now read 2ª,"—(*The Lord Steward*) .. 1697
Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

Margarine (Fraudulent (Sale) Bill (No. 205)—
Moved, "That the Bill be now read 3ª,"—(*The Lord Basing*) .. 1698
Motion *agreed to;* Bill read 3ª accordingly, with the Amendments.
On Question, "That the Bill do pass?"—After short debate, Bill *passed*, and sent to the Commons; and to be *printed* as amended. (No. 224.)

Parliament—The Constitution of this House—Notice of Motion, The Earl of Rosebery 1701

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ORDERS OF THE DAY.

SUPPLY—*considered* in Committee—CIVIL SERVICE ESTIMATES—

(In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS

(1.) Motion made, and Question proposed, "That a sum, not exceeding £5,143, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Office of Her Majesty's Secretary for Scotland and Subordinate Officers" 1732

After short debate, *Moved,* "That Item A, for Salaries, be reduced by the sum of £1,000,"—(*Mr. Anderson:*)—After debate, Question put, and *negatived.*

Original Question again proposed 1755

After short debate, *Moved,* "That Item A, for Salaries, be reduced by the sum of £500,"—(*Dr. Cameron:*)—After further short debate, Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(2.) Motion made, and Question proposed, "That a sum, not exceeding £4,067, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly on the Hereditary Revenue" .. 1759

Moved, "That a sum, not exceeding £3,067, be granted for the said Services,"—(*Sir George Campbell:*)—After short debate, Question put:—The Committee *divided;* Ayes 78, Noes 157; Majority 79.—(Div. List, No. 368.) [6.50 P.M.]

Original Question put, and *agreed to.*

(3.) Motion made, and Question proposed, "That a sum, not exceeding £15,925, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Fishery Board in Scotland, and for Grants in Aid of Piers or Quays" 1762

SUPPLY—CIVIL SERVICE ESTIMATES—Committee—*continued.*

After short debate, *Moved,* "That Item A, Salaries, &c., be reduced by £300, in respect of the Salary of the Chairman of the Board,"—(*Mr. Anderson* :)—After further debate, Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(4.) £3,982, to complete the sum for the Lunacy Commission, Scotland.

(5.) £3,895, to complete the sum for the Registrar General's Office, Scotland.

(6.) £21,317, to complete the sum for the Board of Supervision for Relief of the Poor, and for Public Health, Scotland.

(7.) Motion made, and Question proposed, "That a sum, not exceeding £37,955, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Lord Advocate's Department, and others, connected with Criminal Proceedings in Scotland, including certain allowances under the Act 35 and 16 Vic. c. 83" 1802

Moved, "That Item C, Criminal Prosecutions under the authority of the Lord Advocate, be reduced by the sum of £500,"—(*Dr. Cameron* :)—After short debate, Question put:—The Committee *divided;* Ayes 72, Noes 173; Majority 101.—(Div. List, No. 369.) [10.45 P.M.]

Original Question again proposed 1816

Moved, "That £37,217 be granted for the said Services,"—(*Mr. Esslemont* :)—Question put, and *negatived.*

Original Question put, and *agreed to.*

Motion made, and Question proposed, "That a sum, not exceeding £43,465, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Courts of Law and Justice in Scotland, and other Legal Charges" 1820

Moved, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. W. H. Smith* :)—Question put, and *agreed to.*

Resolutions to be reported *To-morrow;* Committee also report Progress; to sit again *To-morrow.*

Technical Instruction Bill [Bill 332]—

Moved, "That the Bill be now read a second time,"—(*Sir William Hart Dyke*) 1820

Amendment proposed,

To leave out from the word "That," to the end of the Question, in order to add the words "while this House is desirous of seeing increased facilities for Technical Instruction afforded, it is not prepared to proceed with a measure which imposes a new charge on the ratepayers for that purpose, until such changes have been made in the incidence of local taxation as will secure the equitable contribution of all classes of the community to the rates."—(*Mr. Stanley Leighton.*)

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Question put, and *agreed to.*

Main Question put, and *agreed to* :—Bill read a second time, and *committed* for *Tuesday* next.

SUPPLY—REPORT—Resolutions [8th August] *reported* 1877

Resolutions read a second time:—First Nine Resolutions *agreed to.*

Tenth Resolution *postponed* :—Remaining Resolutions *agreed to.*

Postponed Resolution to be considered upon *Thursday.*

Revenue Bill—*Considered* in Committee:—Resolution *agreed to,* and *reported* :—Bill *ordered* (*Mr. Jackson, Mr. Chancellor of the Exchequer, Sir Herbert Maxwell*); *presented,* and read the first time [Bill 365] 1878

[2.25.]

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COMMONS, WEDNESDAY, AUGUST 10.

QUESTIONS.

RAILWAYS (ENGLAND AND WALES)—THE STRIKE OF ENGINE DRIVERS AND FIREMEN ON THE MIDLAND RAILWAY—Question, Sir Edward Watkin; Answer, The Under Secretary of State for the Home Department (Mr. Stuart-Wortley) 1878

BULGARIA—ALLEGED ILL-TREATMENT OF POLITICAL PRISONERS—Question, Mr. P. Stanhope; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) 1879

THE SECRETARY FOR SCOTLAND—Question, Mr. E. Robertson; Answer, The Secretary to the Treasury (Mr. Jackson) 1880

PRESUMPTION OF LIFE LIMITATION (SCOTLAND) ACT, 1881—Question, Mr. Buchanan; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) .. 1880

BUSINESS OF THE HOUSE—SCOTCH BUSINESS—Questions, Sir George Campbell, Mr. Anderson, Mr. Preston Bruce; Answers, The First Lord of the Treasury (Mr. W. H. Smith) 1881

ORDERS OF THE DAY.

Lunacy Districts (Scotland) Bill [*Lords*] [Bill 318]—

Moved, "That the Bill be now read a second time,"—(*The Lord Advocate*) 1882

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. E. Robertson:*)—Question proposed, "That the word 'now' stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to:*—Bill read a second time, and *committed* for *To-morrow*.

Sheriff of Lanarkshire Bill [Bill 349]—

Moved, "That the Bill be now read a second time,"—(*The Lord Advocate*) 1900

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Anderson:*)—Question proposed, "That the word 'now' stand part of the Question:"—After debate, Question put:—The House *divided;* Ayes 136, Noes 53; Majority 83.—(Div. List, No. 370.)

Main Question put, and *agreed to:*—Bill read a second time, and *committed* for *Friday*.

Secretary for Scotland Act (1885) Amendment Bill [*Lords*]—

Moved, "That the Bill be now read a second time,"—(*The Lord Advocate*) 1918

After short debate, Amendment proposed,

To leave out from the word "That," to the end of the Question, in order to add the words "no Bill dealing with the powers and duties of the Secretary for Scotland will be satisfactory which does not provide that the office of Secretary for Scotland be held by one of Her Majesty's Principal Secretaries of State."—(*Mr. Anderson.*)

Question proposed, "That the words proposed to be left out stand part of the Question:"—After further short debate, Question put, and *agreed to*.

Main Question put, and *agreed to:*—Bill read a second time, and *committed* for *Monday* next.

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Technical Schools (Scotland) Bill [Bill 358]—

Moved, "That the Bill be now read a second time,"—(*The Lord Advocate*) 1938

After debate, Question put, and *agreed to*:—Bill read a second time, and *committed* for *Tuesday* next.

QUESTIONS.

OFFICE OF THE SECRETARY FOR SCOTLAND—COST OF THE DEPARTMENT—Question, Mr. E. Robertson; Answer, The Secretary to the Treasury (Mr. Jackson) 1953

PUBLIC BUSINESS—Questions, Mr. Bryce, Mr. Mundella; Answers, The First Lord of the Treasury (Mr. W. H. Smith) 1955

MR. STANHOPE AND SIR JOHN ADYE—Question, Sir Walter B. Barttelot; Answer, The Secretary of State for War (Mr. E. Stanhope) .. 1955

[5.55.]

LORDS.

NEW PEERS.

Friday, July 29.

Sir William George Armstrong, K.C.B., created Baron Armstrong, of Cragside in the county of Northumberland.

Monday, August 1.

The Right Honourable Henry George Percy (commonly called Earl Percy) summoned by writ to the House of Lords in his father's Barony of Lovaine.

SAT FIRST.

Thursday, July 28.

The Viscount Leinster (Duke of Leinster), after the death of his father.

Tuesday, August 9.

The Lord Bagot, after the death of his father.

COMMONS.

NEW WRIT ISSUED.

Monday, August 1.

For *the County of Chester* (*Northwich Division*), *v.* Robert Verdin, esquire, deceased.

NEW MEMBERS SWORN.

Thursday, July 28.

City of London—Thomas Charles Baring, esquire.

Monday, August 1.

County of Gloucester (*Forest of Dean Division*)—Godfrey Blundell Samuelson, esquire.

Thursday, August 4.

Glasgow (*Bridgeton Division*)—The Right Honble. Sir George Otto Trevelyan, baronet.

HANSARD'S
PARLIAMENTARY DEBATES,

IN THE

Second Session of the *Twenty-Fourth Parliament* of the
United Kingdom of *Great Britain* and *Ireland*,
appointed to meet 5 August, 1886, in the Fiftieth
Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

NINTH VOLUME OF SESSION 1887.

HOUSE OF LORDS,

Tuesday, 26*th July*, 1887.

MINUTES.]—Public Bills—*First Reading*—British Settlements * (189).

Second Reading — Trust Companies (151); Accumulations (81), *negatived;* Merchandise Marks Law Consolidation and Amendment (170); Public Libraries Acts Amendment (No. 2) * (185).

Committee—First Offenders (*re-comm.*) (182).

Committee—Report—Water Companies (Regulation of Powers) * (172).

Report — Bankruptcy Offices (Sites) * (76); Metropolitan Open Spaces Acts Extension (168-190).

Third Reading — Copyhold Enfranchisement (180); Valuation of Lands (Scotland) Amendment * (184), and *passed.*

Withdrawn—Merchant Shipping (Transfer of Registry, &c.) * (59).

Provisional Order Bills—*First Reading* — Local Government (No. 9) * (188).

Committee — Report — Local Government (No. 5) * (146); Local Government (No. 7) * (166).

TRUST COMPANIES BILL.—(No. 151.)

(*The Lord Hobhouse.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Lord HOBHOUSE, in moving that the Bill be now read a second time, said, it was difficult to find proper persons to be trustees under wills and settlements. Trustees had very burdensome duties to perform, and under the existing law they could not receive remuneration for their services unless special directions had been given by the creator of the trust that they might do so. The object of this Bill was to enable Companies to discharge trusts—a function which Corporations could not now undertake, because no profits were derived from the trusts, and because Corporations could not be appointed to fiduciary positions. No doubt the innovation he was proposing was a considerable one, but our present system of the discharge of trusts by wholly unpaid volunteers was as unsatisfactory from the point of view of the owner of trust funds as it was from that of the trustees themselves. Persons intending to create trusts had, in the first place, to find some friends competent and willing to perform the duties; not unfrequently they had to resort to their solicitors to become trustees, but the solicitor must be paid somehow, and the combination of the two offices was a dangerous thing. There was no trust of long standing in which a change or several changes of trustees did not occur. Every one of those changes involved the original trouble of the choice of trustees, besides trouble and expense in the transfer of securities, while such transfer involved some risk to the property, for which agents must be employed and money must be in a single hand for some space of time; and in a considerable proportion of the cases in which trust funds had been lost, the loss had occurred while property was *in transitu.* He thought that of all classes of Her Majesty's subjects trustees were about the most ill-used. They had a great deal of trouble; they had some risk; they had no pay; they had no thanks; and they usually had a great deal of blame cast upon them. Although not paid, they did not enjoy the position of ordinary unpaid bailees, but were visited by the Court of Chancery with extreme rigour, and treated as though they were enemies of the human race, whom it was necessary to restrain by severe examples from doing wrong. He referred to the case of "Driver *v.* Scott," and "Bartton *v.* Beard," as illustrations of cruel hardship. He did not pretend that Trust Companies would be perfect, but he thought they would possess these advantages, which would induce a number of people to employ their services. In the first place, they would always be at hand to be chosen. Then we should have trustees who would be always competent, always willing, who did not die, who did not fall ill, who did not go abroad, who did not become too busy to attend to the trust business, who, being paid, would expect no thanks, would be indifferent to reproach, and might suffer some loss without feeling the sense of cruel injustice which embitters the minds of trustees in cases such as those he had referred to. For instance, Mr. Rigby, Q.C., after saying that it was not likely that such Companies would be an unmixed advantage, added—

> "I have myself been so much impressed with he hardship of existing rules of law with reference to unpaid trustees, that I should welcome any well-considered scheme of legislation on the basis of the note which you send to me. I have not been without experience of the working of Trustee and Executorship Companies in the Colonies, and, on the whole, my opinion is that they do good."

Mr. Romer, Q.C., also stated—

> "It is clear that now-a-days men of business, of means, and of ability, cannot be obtained to take upon themselves the duties in question; the duties being onerous and attended with heavy responsibilities, while the performer obtains no remuneration, and very often no thanks. It is getting even difficult to obtain a person to fill the offices in question, who has any one of the qualifications I have mentioned or any qualification for the post at all, and I think that something ought to be done, and that speedily."

Mr. Lewis Fry, a solicitor who had conducted a large practice in Bristol, wrote—

> "The idea of such an association as you have in view is not new to me, and I entirely approve of it. When I was in practice I more than once made an approximation to your scheme by advising clients to appoint a firm of public accountants in whom I had great confidence as professional trustees at a commission."

Another solicitor, in large practice in Lincoln's Inn, remarked that—

> "If the law were altered so as to enable trustees to be paid for their work, I believe the existing Insurance Companies or some of them would at once lay themselves out for this class of business, and I should have often found it very convenient in practice to have such a body to recommend."

With regard to the appointment by Trust Companies, and executors, and administrators, he had ventured to consult the highest authority in England. He had given a copy of the Bill to Sir James Hannen, who said in answer—

> "I entirely approve of the objects of your Bill. I would suggest that power might usefully be given to the Probate Court to appoint the proposed Corporations to act as administrators *pendente lite.*"

So much for principle and authority. As regards experience, we had none in England. For some years the South-African Colonies and the Colonies of New Zealand and Victoria had adopted the system he proposed; and there might be other Colonies, of which he did not know. Colonial opinion was favourable to them. He had seen something of their working in two appeals, he believed the only cases that had come before the Judicial Committee. It would be remembered that Judges dealt with the pathology of human institutions, and saw their seamy side. They were not asked in until some wrong had been done or alleged. and a quarrel had arisen. Of course, disputes and friction would arise with paid trustees, as with others. Then their doings were subjected to severe criticism by their opponents. But even in those cases of complaint, it was not suggested that any instance had occurred of deflection or malversation of trust funds. The strong impression on his mind was that these Companies were playing a very useful part in the communities where they had been adopted. It was certain that they were largely used and had attracted public confidence. In the United States of America the system had been at work a great many years. He had communicated on the subject with the eminent lawyer, Mr. Phelps, who represented the United States in this country, and he wrote to him as follows:—

> "The Trust Companies, as they are called in the United States, have been very successful, and have proved very useful. They transact a large business in the custody, investment, and application of trust funds in various ways; and they are reckoned among our soundest institutions. They do also a considerable deposit business upon which they allow moderate rates of interest, and are much employed for the custody of securities and collection of dividends and coupons thereon. They are frequently named as trustees to whom corporate mortgages are executed. My opinion is strongly in favour of the usefulness, safety, and convenience of such institutions under proper restrictions and regulations."

But he did not expect the House to be satisfied with his opinion. He could quote the testimony of other lawyers of great experience. He had now given to the House all the help he could in the way of principle, authority, and experience, and he would go on to explain the mode in which it was proposed to launch the new system. The Bill had three main objects. The first was the removal of those disabilities which prevented Companies from having a chance of starting; the second to provide due safeguards before they started; and the third was to provide official control to regulate them when they had started in their business. The first object was provided for by allowing Courts and persons, who had authority to appoint trustees, to choose Companies for the purpose, and by allowing the Companies to receive payment for their services. The second object was met by Clauses 12 and 18, which provided that before a Company could start in business it must have a subscribed capital of £100,000, of which £50,000 was to be deposited in Court to be invested in the name of the Paymaster General, and to be a security for the beneficiaries in priority to the claims of any other creditors of the Company, and that the Board of Trade should be empowered to require a further deposit whenever they might think it needful. By Section 18 a Company was required before starting in business to state in the articles of association a scale of charges, and there would be certain restrictions as to the alteration of such charges. The other clauses of the Bill sought to attain the third object. Clause 16 provided that the Companies should be under the same liabilities and rules as individual trustees. By Section 21 power was given to the Board of Trade to inspect the affairs of these Companies and to appoint an auditor at the Companies' expense whenever needful; an annual statement would have to be made to the Registrar, and by Clause 23 the beneficiaries might without action and in a summary way have an account taken of any funds that belonged to them. He begged to move the second reading of the Bill.

Moved, "That the Bill be now read 2ª."—(*The Lord Hobhouse.*)

THE LORD CHANCELLOR (LORD HALSBURY) said, he confessed that he had not had an opportunity of mastering the whole of the proposals made by the Bill; but one thing struck him as somewhat startling—namely, that these Corporations were to be entitled, he supposed, to speculate with the trust funds. He understood from the noble and learned Lord that, besides getting remuneration, the Companies were to use the trust funds for commercial adventures. [Lord HOBHOUSE dissented.] If he were wrong he would withdraw the observation. He would only say, that if there was one thing more than another to be guarded against it was that trust funds should be used by those who managed them. The measure would require very careful examination; and while he would not oppose the second reading, he trusted that before further progress was made with it an opportunity would be given to their Lordships to thoroughly master its details.

LORD FITZGERALD said, that the practice introduced by this Bill had already been in operation in the United States and in various of our Colonies; but the introduction of what he might call a foreign system into this country required great care. He would recommend their Lordships to read the Bill a second time, as he believed it to be a well conceived attempt to provide for a great want in our legal system; but he thought the measure should not be further proceeded with until it had been carefully examined in detail. He quite agreed with the principle of the Bill as to the delegation of trusts; but there ought to be the most satisfactory guarantees that the trust funds should be preserved intact. He would advise his noble and learned Friend to be content with the second reading of the Bill then, and to re-introduce it next Session, when it could be referred to a Select Committee.

LORD HERSCHELL said, there could be no doubt that the position of a trustee was one of very considerable risk. Latterly that risk had narrowed down to the general honesty of those who were conducting the legal affairs of the country. In individual cases now and then the risk had become felt, and had involved the most lamentable consequences. It was a risk from which no trustee could absolutely free himself; for it was impossible for any trustee to give that personal attention to every detail, every action, which alone could insure his complete security. On the other hand, it was very difficult to refuse a trusteeship, though many would gladly do so. There was scarcely any trustee who knew whether any property which he believed to be his own was really so, or whether it was liable to meet the defalcations of those who managed the trust. This measure would, to some extent, meet a much-felt want, and, if its provisions were carefully considered, might be of public service. He had always looked forward to the time when they might see the creation of an official trustee with absolute security for the *cestuis que trustent;* and he did not think such a measure as this would stand in the way of such a proposal. He trusted the noble and learned Lord would not carry the Bill beyond a second reading that Session.

LORD BRAMWELL remarked that, though not so well acquainted with the Law of Trust as he was, or ought to be, with the Common Law of England, it would not be amiss that he should express his goodwill towards this Bill. One advantage that the Bill possessed was that it was entirely voluntary in its application, no one being bound to employ these Companies as trustees. He believed that at present trust funds were more often wasted by improper investment, under pressure from the *cestuis que trustent*, for the purpose of obtaining higher interest, than from actual dishonesty. That danger would be avoided if the Companies were trustees, as no pressure could be brought to bear to tempt them to invest in dangerous securities. He sincerely hoped the Bill would pass into law.

Motion *agreed to.*

Bill read 2ª accordingly.

LORD HOBHOUSE said, that he should not proceed further with the Bill this Session, but would, as had been suggested by his noble and learned Friend, bring it forward again at an early period next year.

COPYHOLD ENFRANCHISEMENT BILL.

(*The Lord Hobhouse.*)

(NO. 180.) THIRD READING.

Order of the Day for the Third Reading, read.

On Question, "That the Bill do pass?"

Moved, to leave out Clause 5, and instead thereof to insert the following Clause:—"In making any valuation under the Copyhold Acts the valuers shall take into account and make due allowance for all customs of the manor, fines, heriots, reliefs, quit rents, chief rents, and all other incidents whatever of copyhold or customary tenure, including payments, if any, which the lord may demand for permission to do acts which otherwise would involve forfeiture of the copyhold tenement, and all other circumstances relating to or affecting the land to be enfranchised, including, in manors where the fines are not fixed, all facilities for the improvement of such land."—(*The Lord Hobhouse.*)

THE LORD CHANCELLOR (Lord HALSBURY) remarked that the object of this clause had been already fully discussed by their Lordships, and that an Amendment embodying it had been rejected by the House. He trusted that the House would adhere to its decision on the point.

THE EARL OF SELBORNE said, that he desired to support the Amendment.

LORD BRAMWELL said, that when the question was last before their Lordships he was afraid if the word forfeiture was not put in the lord would not be compensated at all, where his noble and learned Friend was afraid that if it was put in the lord would be compensated twice. His noble and learned Friend now proposed a clause which would compensate the lord once, and with that he was satisfied, and he would withdraw his opposition, which he had thought it right to make.

THE EARL OF MILLTOWN said, he hoped their Lordships would adhere to the decision they had arrived at after full discussion.

LORD HERSCHELL said, that the noble and learned Lord (Lord Bramwell) had accepted the Amendment, and his opinion having great weight, it might have led the Select Committee to the adoption of it also. His noble and learned Friend (Lord Hobhouse) had tried to meet the views of those who held that the lord should be compensated for what he would lose while he should not be compensated for what he would not lose. He had himself put down an Amendment to the same effect.

LORD BRAMWELL said, he had not in the least changed his opinion. The noble and learned Earl (the Earl of Selborne), the noble and learned Lord (Lord Hobhouse), and the late Lord Chancellor (Lord Herschell) thought there was danger that the lord might be compensated twice over, and all he said was that if they were satisfied that this Amendment would relieve them of that difficulty, then he had no objection to it.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY) said, that the right of forfeiture stood on all fours with the right of escheat. It was a right which conveyed no present income or advantage. It took effect very rarely, but when that happened it brought in so much value that the mere chance of it had a present small value. That present small value had been allowed to the lord for 35 years under an Act deliberately passed, and he had not heard a word which would lead him to recede from the vote which he gave the other night.

THE EARL OF KIMBERLEY observed that he could not understand the principle upon which the noble Marquess coupled escheats with forfeiture.

Clause *agreed to.*

Further Amendment made; Bill *passed,* and sent to the Commons.

ACCUMULATIONS BILL.—(No. 81.)

(*The Lord Herschell.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD HERSCHELL, in moving that the Bill be now read a second time, explained that its object was to prevent testators from directing that their property should be left to accumulate for a period of 21 years after death. The measure would abolish the right which was given to testators by Thellusson's Act of 1799. The Bill came from the other House, where it was agreed to without opposition, and where it was, moreover, supported by the Attorney General. No one would be more unwilling than himself to limit the disposing power of a testator with respect to the objects of his bounty, but he could not conceive that a testator had any natural right to insist that for a certain length of time his property should not be distributed at all. The power of accumulation was a mischievous power. It no doubt gratified the posthumous vanity of a certain number of testators, but it inflicted grievous hardship upon those who were excluded by its instrumentality from enjoying the property left to them. The power of accumulation served no good public end, and when it affected real property was the cause of very substantial and serious injury, for nothing could be more mischievous than to tie up real estate in such a way as to prevent the owner from dealing with it for 21 years. The property remained in the hands of trustees, whose only duty was to collect the income derived from it. Such a state of things could not be beneficial to the tenants who lived upon the estate. The system of accumulation was in opposition to the whole tendency of modern years, which had been in the direction of promoting actual and effective ownership of land. It had been pointed out that it would be reasonable to retain the power of accumulation for certain specific purposes, such as the payment of a testator's debts and the raising of portions for his younger children. He was quite willing that these proposed exceptions to the operation of the Bill should be considered. The point upon which he relied was the prevention of accumulation for the gratification of posthumous vanity. The measure had been received with general favour in the other House, and he trusted that it would not meet with opposition from their Lordships.

THE EARL OF SELBORNE said, that he approved the object of the Bill as explained by his noble and learned Friend. He was, however, dissatisfied with the drafting of the measure, which he feared would go further than was intended and he saw no good reason for abolishing these exceptions to the Thellusson Act, when the accumulation was for payment of the settler's debt, or for raising childrens' portions, to which his noble friend had referred. Great care must be taken in amending the measure. It was proposed by the Bill to repeal Thellusson's Act, which permitted accumulation for 21 years only. Now if they were to begin by repealing that Act, and subsequently to say in general terms that accumulation would be allowed for certain specific purposes, they might be permitting accumulation for those purposes for an indefinite time. The Bill did not make it clear whether accumulation was to be forbidden unless there were some person who, if he were of full age, would be entitled to the income.

THE LORD CHANCELLOR (Lord HALSBURY) said, he could not help thinking that the Bill was based on an erroneous and bad principle. The noble and learned Earl had criticized some of the provisions of the Bill; but he thought that the principle of perpetually interfering with the disposition which people were allowed to make of their money was one which ought to receive no encouragement at the hands of their Lordships. Persons knew the circumstances of their own families best, and he did not believe that cases of mere wanton accumulation were frequent. The noble and learned Lord had pointed out that the Thellusson Act was a restraining Act. But there were exceptions to its operation, and accumulation was expressly allowed for the purpose, either of paying the debts of the testator or of raising fortunes for children. There were no such exceptions in the present Bill, and he hoped the House would not read it a second time.

Lord HERSCHELL rose to reply, but—

LORD HALSBURY pointed out that as there was no Amendment the noble and learned Lord according to the Standing Order had no right of reply.

After some discussion,

LORD HALSBURY said, that for the purpose of enabling his noble and learned Friend to address the House, he would move that the Bill be read a second time that day three months.

Amendment *moved*, to leave out ("now") and add at the end of the Motion ("this day three months.")—(*Lord Halsbury.*)

The Earl of Selborne

LORD HERSCHELL said, he could see that alterations might be made with advantage to the Bill. He held that cases of accumulation for mere accumulation's sake were more numerous than the Lord Chancellor supposed. If he did not know of such cases he would not have brought forward this Bill. His noble and learned Friend (the Earl of Selborne) had pointed out that in some respects the Bill went too far; if that were so, he would be happy to consider those points in Committee. In the other House the Bill met with no opposition, and was actually supported by the Attorney General. It was not treating the House fairly for the Government to oppose a Bill of this character which was unanimously approved by the other House, especially as it could be easily amended in Committee.

VISCOUNT CRANBROOK said, he must protest against the idea that the Government were to be debarred from criticizing and opposing the Bill of a private Member, simply because the Attorney General had spoken in its favour, and it had received the unanimous approval of the House of Commons. The noble and learned Lord himself had admitted the desirability of Amendments such as would entirely alter the Bill. In these circumstances the taunt thrown out was quite undeserved.

On Question, that ("now") stand part of the Motion? Their Lordships *divided*:—Contents 19; Not-Contents 36: Majority 17.

Resolved in the *negative.*

Bill to be read 2ª on *this day three months.*

MERCHANDISE MARKS LAW CONSOLIDATION AND AMENDMENT BILL.

(*The Lord Stanley of Preston.*)

(NO. 170.) SECOND READING.

Order of the Day for the Second Reading, read.

THE PRESIDENT OF THE BOARD OF TRADE (Lord STANLEY of PRESTON), in moving that the Bill be now read a second time, remarked that the fraudulent use of marks had been greatly detrimental to the trade of this country. Indeed, that was a fact which was only too notorious, and therefore he hoped he should be excused if he did not enter into details, and if he confined his remarks to a few explanatory words as to the circumstances under which the measure had been brought forward. In 1862 an Act was passed dealing with the fraudulent use and the forgery of merchandize marks. That Act was full and complete, and might have been a useful measure but for two unfortunate defects. First of all, there was the necessity of proceeding by indictment; and, secondly, the proof of fraudulent intent was thrown to a very great degree on the prosecutor. Last year a Bill was introduced by his Predecessor in Office (Mr. Mundella), with the aid and advice of the Cutlers' Company of Sheffield, who had themselves experienced great difficulty in dealing with all the cases relating to trade marks that were brought under their notice. That Bill fell through, and when the present Government came into Office it became his duty to consider in what manner they could best deal with this subject. They introduced a Bill for amending the Act of 1862, and shortly afterwards a Bill to consolidate and amend the law, and to incorporate into one Act the Act of 1862 and the Amendment Act. In the meantime Mr. Mundella re-introduced the Bill of the previous year, and by arrangement, a strong Select Committee was appointed in "another place," and these three Bills were referred to it. This Bill, as amended by the Select Committee, was accepted with hardly an alteration by the House of Commons, and in that form it came up from the other House to their Lordships. In its passage through Committee elsewhere the provisions of the Bill were made rather more stringent. The burden of proof was transferred from the shoulders of the prosecutor rather more distinctly to those of the defendant. In other words, the presumption against the defendant was considerably increased. There were some persons who might think that the measure in its present form was somewhat too stringent; but, if he might judge from the tone of the deputation he received, there was an earnest desire on the part of all sections and classes of the various trades that this foul blot should be erased, and honest trade encouraged throughout the country. It was impossible not to sympathize with such an object as that. He ought, perhaps, to add that if the Bill passed through Parliament it was hoped and intended that similar legislation should be introduced both in India and the Colonies. The Government, in fact, were already in communication with the various authorities in those countries with that object. They hoped that throughout the Dominions of Her Majesty there would be a common agreement to act upon the lines of the legislation which was now proposed to their Lordships. He did not know that it was necessary for him to enter in detail into the provisions of the Bill, but he might mention that an essential change had been made in regard to one of the provisions of the Act of 1862, for it was now proposed to do away with the cumbrous process by indictment, and to deal with these cases by summary conviction, giving, however, a right to a person aggrieved by any conviction to appeal to a Court of Quarter Sessions. There were also clauses in the Bill which were required to protect the watch trade. The British hall mark was looked upon by many in the trade as an indication of British origin; but that was not so. Large numbers of foreign watches were brought to the Assay Office to have the hall mark affixed, and a large trade had grown up of late years in that way. He believed that to a large number, at all events, of those engaged in the watch trade the clauses introduced into this Bill would be entirely satisfactory. In asking their Lordships to give the Bill a second reading, he wished to point out what discredit had been thrown on the trade of the country owing to the use of fraudulent marks. The Government had received representations from all parts of the country that this Bill would meet the objects at which they aimed, and they believed that much might be done by its means to eradicate present frauds and to protect those who were entitled to trade marks in the legitimate use and legitimate value of those marks.

Moved, "That the Bill be now read 2^{a}."—(*The Lord Stanley of Preston.*)

LORD LAMINGTON said, he should support the Bill, but he wished to point out that it did not in its present form deal with one of the greatest frauds now perpetrated, which was injurious to the farmer and injurious to the poorer classes, and that was the practice of selling foreign imported meat as English meat. He contended that the butcher should be compelled to mark his meat British and foreign, and to distinguish between the two. Instead of putting all in together at 8*d.* or 10*d.* per lb. he ought to be compelled to put in foreign meat at 5*d.* or 6*d.*, and so give the poorer classes the benefit of buying cheaply.

THE EARL OF SELBORNE, interposing, pointed out that the noble Lord's observations had no bearing on the present Bill, which appeared, by its title and preamble, to refer to trade marks only.

LORD LAMINGTON said, he had thought that it might have been possible under the Bill to deal with a practice which was doing great injury to English farmers and to the poorer classes.

LORD HERSCHELL said, he was extremely glad that this measure appeared likely to pass into law this Session. There could be no doubt that the kind of commercial immorality which it was intended to check had been in some places only too prevalent, and had had a most mischievous effect on trade. It was therefore essential that practices such as those dealt with in the Bill should be put down in the most effectual way possible; and it was better to run the risk of some little inconvenience from the severity of the law than to pass a Bill too weak to deal effectively with the evil. There was, however, one matter to which he desired to call attention. It had been brought to his notice by the evidence taken before the Commission which had been dealing with this subject. There was one kind of fraud so prevalent that it was admitted on all hands to be disastrous and that was the use of some mark or combination of marks for the purpose of leading people to believe that the goods were manufactured by some person other than the person who really manufactured them. He thought it was essential to put a stop to that practice, and he believed it was possible to do so by some Amendment entirely in the spirit of the Bill. If after closing the other avenues to fraud this one were left open it would be made more use of than ever. He believed that the whole of the honest exporters of Manchester would be well satisfied that the fraudulent use of trade marks should be stopped. He was sure that the observations he had made were in harmony with the desires and wishes of the noble Lord opposite, and that he would do his best by this Bill to encourage the conscientious and deter the fraudulent manufacturer.

THE LORD CHANCELLOR (Lord HALSBURY) said, he hoped their Lordships would give every assistance to the passing of this measure, as it was intended to put an end to a great and growing evil. At the same time one could not help feeling that the Bill was rather a reversal of our whole Criminal Law in throwing the onus upon the alleged culprit of proving his innocence. No doubt it was necessary sometimes to adopt what was called coercive legislation, and the well-conducted portion of the community gladly consented to it, in order that those who were not in favour of honest and fair dealing might be compelled to refrain; but care should be taken not to arouse sympathy in the wrong direction by going a little too far. In one or two instances the Legislature had acted as it was proposed to do by this Bill, and had thrown the onus of proving his innocence upon the alleged culprit; for instance, those found in possession of Government stores were called upon to account for the manner in which they became possessed of them. Therefore, what this Bill sought to do was not absolutely contrary to our whole system of legislation, though he thought some safeguards must be placed upon it, and the severity of some of the sections of the measure must be moderated.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

FIRST OFFENDERS BILL.—(No 182.)

(*The Earl of Belmore.*)

COMMITTEE.

House in Committee (according to order) (on Re-commitment).

Clauses 1 and 2 *agreed to.*

Clause 3 (Conditions as to abode of the offender).

LORD BRAMWELL moved its rejection. The clause provided that before releasing any offender the Court must be satisfied that he had a fixed place of abode. It would be much better to omit this provision and allow the tribunal freedom of action.

Moved, to omit Clause 3.—(*The Lord Bramwell.*)

THE LORD CHANCELLOR (Lord HALSBURY) said, that the powers of the Bill were to be used by Courts of Petty Session all over the country.

Amendment *negatived.*

Clause *agreed to.*

Clause 4 *struck out.*

Clause 5 *agreed to.*

Clause 6 (Act not to apply to Ireland).

THE EARL OF MILLTOWN moved its rejection. There was no reason why the Bill, if a good one, should not apply to Ireland as well as England.

Moved, to omit Clause 6.—(*The Earl of Milltown.*)

THE EARL OF SELBORNE said, that this clause was inserted at the instance of Representatives of Ireland. Probably the same persons who now objected to this mitigation of the Criminal Law being applied to Ireland would one day be anxious that it should do so.

Amendment *negatived.*

Remaining Clauses *agreed to,* with Amendments.

The Report of the Amendments to be received on *Thursday* next.

BRITISH SETTLEMENTS BILL [H.L.].

A Bill to enable Her Majesty to provide for the government of Her Possessions acquired by Settlement—Was *presented* by the Lord Chancellor; read 1ª. (No. 189.)

METROPOLITAN OPEN SPACES ACTS EXTENSION BILL.—(No. 168.)

(*The Lord Mount-Temple.*)

REPORT. [ADJOURNED DEBATE.]

Order of the Day for resuming the adjourned debate on the amendment moved on Tuesday last on Report, read.

Debate *resumed* accordingly.

The said amendment (by leave of the House) *withdrawn.*

Further amendments made: Bill to be read 3ª on *Thursday* next; and to be *printed* as amended. (No. 190.)

House adjourned at a quarter past Seven o'clock, to Thursday next, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 26*th July,* 1887.

MINUTES.]—SELECT COMMITTEE—*Fourth Report*—Army and Navy Estimates [No. 239]; Special Report [No. 239]; Perpetual Pensions, Mr. Esslemont *added.*

PUBLIC BILLS — *Ordered — First Reading —* Tramways (Ireland) Acts Amendment * [338].

Select Committee—Municipal Regulation (Constabulary, &c.) (Belfast) * [291], *debate adjourned.*

Committee — Irish Land Law [308] [*Second Night*]—R.P.

Committee—Report—Markets and Fairs (Weighing of Cattle) * [317-337].

Withdrawn—Merchant Shipping Act (1854) Amendment (No. 2) * [184].

QUESTIONS.

—o—

GREENWICH HOSPITAL FUNDS—INVESTMENTS.

SIR SAMUEL WILSON (Portsmouth) asked the Civil Lord of the Admiralty, What amount of the Greenwich Hospital Funds is now invested in Government Three Per Cent Annuities; and, whether he will take into consideration the question of obtaining a better investment of the money for the benefit of the seamen, who have largely contributed to these funds?

MR. ASHMEAD-BARTLETT (CIVIL LORD of the ADMIRALTY) (Sheffield, Ecclesall): The amount of Greenwich Hospital Funds now invested in the Three Per Cent Stock is £1,005,772. Arrangements have been made for the re-investment of a portion of this sum, and negotiations are in progress for further re-investments.

ADMIRALTY—THE NEW DOCKYARD STAFF—APPOINTMENT OF CHIEF CONSTRUCTOR AS ASSISTANT TO THE DIRECTOR OF DOCKYARDS.

MR. PULESTON (Devonport) asked the First Lord of the Admiralty, Whether, in view of the further addition to the new Dockyard Staff of the Admiralty, by the appointment, as proposed, of Chief Constructor as assistant to the Director of Dockyards, any proportional reduction is to be made in the Staff?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): Yes; it is proposed to reduce the number of Constructors by two.

THE BOARD OF CUSTOMS—THE VACANT SECRETARYSHIP.

MR. PULESTON (Devonport) asked Mr. Chancellor of the Exchequer, Whether it is intended to fill up the vacant Secretaryship to the Board of Customs; and, if so, when this appointment may be expected to be made?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): The Secretaryship to the Board of Customs will be kept vacant pending the consideration of the question of the amalgamation of the Customs and the Board of Inland Revenue. This consideration has been delayed by the illness of the Chairman of the Board of Customs, with whom the Papers are.

INDIA—REPORT OF THE DIRECTOR GENERAL OF RAILWAYS.

MR. KING (Hull, Central) asked the Under Secretary of State for India, Whether the Report of the Director General of Railways for India has been already issued in Calcutta, and how soon it will be presented to Parliament; and whether it will be possible to arrange for the printing and supply to Parliament direct from the Government Press in India of Indian official documents?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): The Report of the Director General of Indian Railways for 1886-7 was laid upon the Table of the House on the 22nd. The Secretary of State is in communication with the Treasury, by whom such Papers are now printed for the House of Commons, as to the possibility of arranging for the supply of copies direct from India.

EVICTIONS (IRELAND)—COST OF THE EVICTIONS AT COOLGREANEY.

MR. SEXTON (Belfast, W.) (for Sir THOMAS ESMONDE) (Dublin Co., S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, What was the cost to the public of the police and military lately employed in carrying out evictions at Coolgreaney; and, what was the amount of rent due by the tenants who were evicted?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the Inspector General informed him that it would take a long time to ascertain the cost of carrying out these evictions. There was as yet no official knowledge as regarded the rent due.

MR. SEXTON: Will the right hon. and gallant Gentleman be able to tell us the cost of these evictions before the Constabulary Vote comes on?

COLONEL KING-HARMAN said, he could not say when the Constabulary Vote would come on; but he would try and get the information as soon as possible.

MR. CHANCE (Kilkenny, S.): Is the right hon. and gallant Gentleman aware that the late Chief Secretary for Ireland (Sir Michael Hicks-Beach), in reply to a Question I put to him with regard to the Woodford evictions, was able to state the cost of those evictions a few days after their termination?

[No reply.]

COAL MINES REGULATION ACT, 1872—DURHAM COLLIERY EXPLOSION.

MR. JOICEY (Durham, Chester-le-Street) asked the Secretary of State for the Home Department, What has become of the amount of fines imposed upon the responsible persons in charge of a certain colliery in the County of Durham, at which a serious explosion took place on the 2nd of March, 1885, for neglecting the provisions of "The Coal Mines Regulation Act, 1872;" and, if he can arrange for the amount of such fines to be paid over to the treasurer of the fund established for the benefit of the widows and orphans caused by the 32 lives lost by the said explosion?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The fines in this case amounted only to a sum of £40, and were not imposed till the month of March, 1886. In the meanwhile, there had been a fund raised by voluntary effort for the widows and orphans of the men who were killed by the explosion; and the Inspectors did not, therefore, suggest that the fines should be distributed among them. Under these circumstances, the fines were, according to the Statute, paid into the Exchequer and carried to the Consolidated Fund. I am advised that they cannot now be paid out for the benefit of the sufferers.

ARMY (INDIA)—PAY OF PAYMASTERS IN INDIA—HOLDING THE RANK OF MAJOR.

COLONEL DUNCAN (Finsbury, Holborn) asked the Under Secretary of State for India, Whether any decision has yet been arrived at as to the pay of Paymasters in India, holding the rank of Major?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): A decision was arrived at in March, 1886, to adhere to the consolidated rates of pay laid down in October, 1885. There is no intention of increasing these rates.

COUNTY GAOLS (IRELAND)—SALARIES OF EXTERNAL OFFICERS.

SIR CHARLES LEWIS (Antrim, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, before the closing of several County gaols in Ireland, and the consolidation of several such gaols in one central gaol, the salaries of the external officers (such as chaplains and medical officers) were fixed, having regard to the extent of the work involved, and the average number of prisoners; whether, owing to such consolidation, and the largely increased number of prisoners, a great deal more work has been thrown on the officers of the continued gaols; whether the Government has received Memorials calling attention to the subject, and asking for an increase of pay in respect of the permanent extra work involved; and, whether they are prepared to give a favourable consideration and reply to such Memorials?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: I have to answer the first three paragraphs of this Question in the affirmative. The Irish Government have favourably considered the matter; but some difficulties have arisen. It is, however, confidently anticipated that a final decision will be come to before the Estimates for the ensuing financial year are prepared.

ARMY—THE ROYAL ARTILLERY ON HOME AND INDIAN ESTABLISHMENT.

MR. MORRISON (York, W.R., Skipton) asked the Secretary of State for War, The grounds for stopping the promotion of Majors of the Royal Artillery on the Home Establishment, without any corresponding reduction in the promotions on the Indian Establishment; if there is precedent for effecting so large a change by Army Circular in place of a Royal Warrant, or Parliamentary Estimate, and for making such Army Circular retrospective; and, if it is proposed to absorb the officers affected so as to avoid supercession and extensive compulsory retirement?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): Promotion on the Home Establishment of the Royal Artillery has been temporarily suspended in consequence of reductions in the ranks of Lieutenant Colonel and Major. Promotion in the Indian cadres is held to be protected by the Parliamentary guarantee known as the Henley Clause, and cannot be curtailed. A Royal Warrant may determine the conditions for promoting; but except in the case of time promotion the actual steps can only follow vacancies, which depend upon establishment. Every establishment is sanctioned by Parliament. The mode of carrying out the present reduction is still under consideration.

CRIME AND OUTRAGE (IRELAND)—ASSAULT ON A PROTESTANT HOME RULER, AT BALLYCLARE.

MR. M'CARTAN (Down, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can state whether an attack was made by a member of a "Loyalist" band party on a Protestant Home Ruler named Mr. James H. Johnstone, of Larne, at Ballyclare Junction Railway Station on the 13th July; whether Mr. Johnston, when carrying some parcels on the platform of the station, was asked by this member of the "Loyalist" band if he were a Home Ruler; whether, on hearing Mr. Johnstone's reply that he was a Home Ruler, this Loyalist thereupon attacked Mr. Johnston, struck him on the face, and seriously injured him; whether the authorities of the Railway Company have taken any action in the matter; and, whether the Government will use its influence with its supporters at Ulster to try and prevent a repetition of such conduct towards Protestant Home Rulers there?

COLONEL M'CALMONT (Antrim, E.) put a Question, which was inaudible, and which was understood to refer to Mr. Johnston's religious belief.

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, he had no information as to Mr. Johnston's political or religious opinions. The District Inspector reported that when Mr. Johnston was crossing the station at Ballyclare Junction he was met by a young man belonging to a flute band, who asked him if he was a Home Ruler. He replied in the affirmative, and was thereupon struck by the young man. The station master then interfered. The assault was of a trifling description, and both appeared to be under the influence of drink. Mr. Johnston did not complain to the police; but he understood that the matter would be investigated at Petty Sessions.

Mr. SEXTON (Belfast, W.) asked whether the county was not proclaimed; and, whether this offence did not come within the Intimidation Clause of the Criminal Law Amendment (Ireland) Act?

Colonel KING-HARMAN said, he hardly thought that a transaction arising out of a drunken row of this kind would come within the Intimidation Clause.

Mr. SEXTON: Does it make any difference in the offence if the man who commits the offence happens to be a tipsy flute player?

[No reply.]

PUBLIC HEALTH (METROPOLIS) — POLLUTION OF THE RIVER LEA.

Captain COLOMB (Tower Hamlets, Bow, &c.) asked the President of the Local Government Board, Whether, in view of the long continued offensive and insanitary state of the River Lea in the midst of a densely crowded population, he can state with whom the blame lies; and, what action has been already taken, and what action it is proposed to take, to remedy the serious evil universally complained of in the district?

The PRESIDENT (Mr. Ritchie) (Tower Hamlets, St. George's): The Local Government Board have received complaints from the Poplar District Board of Works with reference to the alleged wholesale discharge of sewage into the river from the works of the borough of West Ham without deodorization. The Board have communicated with the Town Council of West Ham and the Conservators of the Lea on the subject; and one of the Board's Inspectors has recently visited the works without previous notice. The Board consider that there should be further inquiry; and it has been arranged that one of the Inspectors of the Board should attend at West Ham for that purpose on Thursday next. The Town Council and the Lea Conservators have been informed of this arrangement.

BURMAH (UPPER)—THE RUBY MINES.

Mr. BRADLAUGH (Northampton) (for Mr. Watt) (Glasgow, Camlachie) asked the Under Secretary of State for India, Whether it is a fact that Mr. Streeter, junior, received assurances of a permit and arranged for a staff to work the Ruby Mines before he left England; whether a third member of the Syndicate is a Sheriff's officer; whether the inquiry to be instituted by the Secretary of State will include an investigation so as to arrive at the truth, or otherwise, of the allegation that certain Government officials were interested in the Syndicate; and, whether he is now prepared to state to the House the nature of recent despatches?

The UNDER SECRETARY of STATE (Sir John Gorst) (Chatham): The Secretary of State can, after careful inquiry, find no trace of any assurances being given to Mr. Streeter, junior, before he left London that he would get a permit to work the Ruby Mines. He has no information about Mr. Streeter's arrangement for a staff. The Secretary of State has no information as to the third member of the Syndicate. The inquiry now instituted by the Secretary of State has reference solely to the best mode of disposing of the Ruby Mines. The allegation that certain Government officials were interested in the Syndicate is now heard of by the Secretary of State for the first time. If any such allegation is made by a responsible person, and supported by *primâ facie* evidence, the Secretary of State will cause inquiry to be made. I could not state to the House, in answer to a Question, the nature of recent despatches without unduly trespassing upon the time of the House; but I have reason to think that Papers will be laid upon the Table relating to the Ruby Mines in the course of next week.

LAW AND JUSTICE (IRELAND)—WESTMEATH ASSIZES—JURORS FINED FOR NON-ATTENDANCE.

Mr. TUITE (Westmeath, N.) asked Mr. Attorney General for Ireland, Whether at the Westmeath Assizes, held last March, the Judge directed that a considerable number of jurors should be fined for non-attendance; whether several of the fines have not been levied; and, whether there is any objection to grant a Return, giving the names of the jurors fined at that Assizes, also the names of the jurors in whose cases the fines have been remitted?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton), in reply, said, the fines were not made by the discretion of the Judge; but by automatic process, under the Juries' Act. Eight persons were fined under the Act—three paid, four appealed, one of whom died, and one was unable to pay.

MR. TUITE asked, whether, in the case of those whose fines were remitted, they were anti-Nationalists and supporters of the Loyal and Patriotic Union?

MR. GIBSON: I do not think such a question ought to be asked. I have no doubt whatever that such a consideration in no way entered into it.

TECHNICAL INSTRUCTION BILL—THE METROPOLIS.

MR. WHITMORE (Chelsea) asked the Vice President of the Committee of Council on Education, Whether, and how, it is proposed to extend to the Metropolis the provisions of the Technical Instruction Bill, from the operation of which it is expressly excluded?

THE VICE PRESIDENT (Sir WILLIAM HART DYKE) (Kent, Dartford): If my hon. Friend will refer to the Bill, he will see that the Metropolis is only excluded from the operation of the 3rd clause, concerning which I shall have something to say on a future stage of the measure.

ANNUAL RETURN — BANK OF ENGLAND (ANNUAL ACCOUNTS OF EXCHEQUER BILLS, &c.)

MR. BURDETT-COUTTS (Westminster) asked the Secretary to the Treasury, Why the Annual Return, styled "Bank of England (Annual Accounts of Exchequer Bills, &c.)," which is usually presented to the House of Commons in February, pursuant to 59 *Geo.* III., c. 76, s. 5, and 24 *Vict.*, c. 3, s. 9, has not yet been ordered to be printed and circulated; and, whether the names, addresses, and descriptions of the stockholders, with the amounts unclaimed in each case, could be given in a Schedule to the Return, and thus enable the representatives of such stockholders to put in their claims?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square) (who replied) said: The Return referred to was presented to the House last February. It rests with the House to order it to be printed and circulated. Such a Schedule as the hon. Member suggests would involve enormous labour, and, when complete, it would probably be already out of date. Moreover, the Bank Authorities fear that the publication of the names of persons who have not claimed their dividends might conduce to fraudulent practices. I may say, however, that every reasonable assistance is already given to the public to enable them to claim dividends, the notice being sent to the last known address in case of all dividends unclaimed for 10 years, or for any considerable time less than 10 years, when the stock has been disposed of. The amounts unclaimed are yearly diminishing.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN — THE NAVAL REVIEW OFF SPITHEAD—ACCIDENT ON BOARD H.M.S. "KITE."

MR. WOODALL (Hanley) asked the First Lord of the Admiralty, If he can give the House authoritative information in regard to the circumstances under which the accident occurred on board the gunboat *Kite*, at Spithead, on Saturday; and, whether there is reason to suppose there was any defect in the gun or its mechanism?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): We are waiting for the evidence of the men who were injured; but they are not yet sufficiently recovered to be able to give any information as to the cause of the accident. But, so far as we know, there is no reason to believe that the accident was in any way attributable to a defect in the gun or its mechanism.

MR. PULESTON (Devonport) asked whether, having regard to the special circumstances under which the man was killed, any provision would be made for his widow and family?

LORD GEORGE HAMILTON said, he could not answer that at the present moment without Notice.

WAR OFFICE (ORDNANCE DEPARTMENT) — ROYAL SMALL ARMS FACTORY, ENFIELD—DISCHARGE OF WORKMEN.

Mr. J. ROWLANDS (Finsbury, E.) asked the Secretary of State for War, Whether his attention has been drawn to a paragraph in *The Pall Mall Gazette* of the 25th, in which it is stated that men are being discharged from the Royal Small Arms Factory at Enfield, some of whom had been working overtime up to the time of their discharge; that there are probably 1,000 men either discharged or "standing off;" that the factory is at a standstill, no rifles being made, &c.; and, whether he can state why work has been stopped at the factory?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): It is true that some men are to be discharged from Enfield Factory. The work is not at a standstill, and there will be work, I am glad to say, for a considerable proportion of those now standing out. I hope the House will allow me to say that, difficult as it is at all times to manage the work of Government manufacturing establishments, it will become absolutely impossible if hon. Members by their Questions attempt to force upon the Government expenditure which is not necessary in the interests of the Public Service.

Mr. HOWELL (Bethnal Green, N.E.) inquired, whether these periodical discharges could not be avoided by doing away with the practice of excessive overtime during certain seasons of the year and then discharging men in times of slackness?

Mr. E. STANHOPE: That is not at all the practice, and I think it ought to be avoided.

LOCAL GOVERNMENT BOARD (IRELAND)—MR. H. A. MANN, CLERK OF THE COOKSTOWN UNION.

Mr. BLANE (Armagh, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If Mr. Henry Alfred Mann, the clerk of Cookstown Union, be also clerk of Mr. Gunning Moore's Estate Office, and if he holds both appointments with the sanction of the Local Government Board; whether the Guardians twice increased his salary, upon his representation that his work was heavy and required his entire time and attention; whether the Local Government Board will re-consider his salary, since, in addition to his duties as clerk, he can now find time to keep the accounts in the largest estate in the Union; whether Mr. John Fleming, the Petty Sessions Clerk at Cookstown, County Tyrone, be also a clerk to the Cookstown Loan Funds, Cookstown Town Commissioners, and toll collector of Cookstown Market, and if he be also a coal merchant and farmer; whether any person wishing to see him on Petty Sessions business must attend at the loan fund office for that purpose; whether these situations be held with the consent of the Registrar of Petty Sessions Clerks; and, if he will extend the same permission to other clerks throughout Ireland?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, the clerk of the Cookstown Union kept the books of Mr. Gunning's agent, but this work was done in the evening. The Local Government Board were not aware that he was so engaged. No complaints had been recorded against him in that Department. The Board of Guardians had increased his salary on two occasions; and the Local Government Board, having regard to the favourable Report of their Inspector and to the fact that the salary was not excessive, saw no reason to interfere. In the absence of any complaint as to the way in which the clerk's duties to the union were discharged the Board saw no reason to interfere. As regards the case of the Petty Sessions Clerk, he was manager of the Discount Company, clerk of the Town Commissioners, and lessee, not Director, of the market tolls, in connection with which he employed other persons. He also dealt in coals, and was a farmer. The Petty Sessions business was done at the Petty Sessions Office, and not at his private house. A Clerk of Petty Sessions was allowed to follow as many callings as he pleased, provided they were not callings prohibited by statute or by the Lord Lieutenant, and provided that they did not interfere with the discharge of his duty or the convenience of the public.

PARIS EXHIBITION, 1889.

Mr. DONKIN (Tynemouth) asked the Under Secretary of State for Foreign

Affairs, Whether Her Majesty's Government have expressed any approval of the British Chamber of Commerce in Paris acting as agents for British exhibitors in the Paris Exhibition of 1889, and Directors of the British section there?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): Her Majesty's Government cannot express officially an approval of the Chamber acting in the capacity referred to without undertaking to some extent an undefined responsibility in connection with their proceedings. But they are glad that a Body so suitable is likely to supply any want that may be felt of local organization and direction.

ADMIRALTY — CASE OF GEORGE LIONEL GROVER, LATE A MIDSHIPMAN OF THE "BACCHANTE."

MR. GILLIAT (Clapham) asked the First Lord of the Admiralty, Whether his attention has been called to the case of George Lionel Grover, late a Midshipman of the *Bacchante*, flagship in the East Indies, who has been discharged from the Navy, disabled with heart disease, consequent upon an attack of rheumatic fever contracted through exposure for 16 days during exceptionally bad weather in the wet season whilst cruising in an open boat for slavers on the East Coast of Africa, which arduous duty he performed in a manner to call for the highest commendation from his Commanding Officer; whether, in view of the fact that the Regulations contain no provision for pension to officers of that rank, and having regard to the professional prospects in life of so promising a young officer being destroyed by the exceptional hardships of the Service in which he was employed, the Admiralty will consider whether some employment on shore could be given to young Grover; and, whether the Civil Service Commissioners could be asked, under Order in Council (Clause 7) of June 1870, to appoint him to some clerkship in the Naval Offices where his nautical experience might be of service?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): The case is now under investigation. The Medical Reports at present before the Admiralty do not show that the officer's disease is directly due to the exposure in question. A further Report on this head has been called for from the *Bacchante*, the ship in which he served. The Regulations do contain provision for pension to officers of Mr. Grover's rank. Pensions of from 1*s*. to 2*s*. 6*d*. a-day may be awarded to subordinate officers invalided out of the Service for permanent disability not due to carelessness or constitutional causes; but whether he is eligible or not for such a pension depends upon the Report from the *Bacchante*. The clause in question was only intended for application to very exceptional cases, under which category Mr. Grover's case cannot be classed.

SCOTLAND — THE SASINE OFFICE, EDINBURGH — PAYMENT OF SALARIES.

MR. WALLACE (Edinburgh, E.) asked the Secretary to the Treasury, Whether clerks in the Sasine Office, Edinburgh, and other Civil servants, are paid a proportion of their salary monthly, whether, owing to the present month ending on a Sunday, and the next day being a Bank Holiday, the Exchequer has deferred this payment until Tuesday, the 2nd August; whether he is aware that it would be a great convenience to the clerks, who are to be sent for their holidays next month, that they should be paid on Saturday the 30th July, when their money is properly due; and, whether, in the circumstances, he will direct the Sasine Office clerks, and others similarly situated, to be paid on that day?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): I will inquire whether arrangements can be made to obviate the inconvenience referred to by the hon. Member.

LAW AND POLICE — INFLICTION OF CORPORAL PUNISHMENT ON A BOY AT ILKESTON.

SIR WALTER FOSTER (Derby, Ilkeston) asked the Secretary of State for the Home Department, The result of his inquiries into the case of James Smith Buckbury, aged seven years, of Ilkeston, who was sentenced, on 11th July, at Ripley Petty Sessions, to receive four strokes of a birch rod for stealing a watch; whether he will cause an inquiry to be made into the conduct of the police officer or officers who inflicted the punishment, and take steps to prevent the administration of such punishment for the future to delicate children; and, whether the instrument used for birching children of seven years is the same as for older offenders?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.) in reply, said, the officer who, in pursuance of a magisterial order, whipped the boy referred to, did so in the presence of the Inspector, his wife, and a Mrs. Knight, who attended at the request of the boy's mother. Mrs. Knight did not consider the punishment severe, and saw the boy well, and walking about half-an-hour afterwards. On the 25th instant he was examined by the Senior Surgeon of the County Infirmary, who reported him to be quite well. He (Mr. Matthews) proposed to issue a Circular, directing that before children were whipped, if there was any reason to suppose they were in delicate health, a medical man should be consulted as to the propriety of administering the punishment, and that the rod should be lighter for children than that used for other offenders.

RUSSIA—THE BLACK SEA COASTING TRADE — CASE OF TWEEDY, AN ENGLISH SUBJECT.

MR. KING (Hull, Central) asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a statement in *The Standard*, to the effect that—

> "An enterprising Englishman, named Tweedy, who is engaged in the Black Sea coasting trade, has been ordered by the Minister of Finance to discontinue his operations or become a Russian subject;"

whether such statement is correct; and, if so, whether such treatment is within the competence of the Russian Government; and, whether he will use his influence to protect Mr. Tweedy in the matter?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): No Report on the subject has been received at the Foreign Office. Any complaint from a British subject would be at once inquired into.

AGRICULTURAL DEPARTMENT—THE HESSIAN FLY IN ESSEX, &c.

MR. H. GARDNER (Essex, Saffron Walden) asked the President of the Local Government Board, Whether he has any information as to the appearance of the Hessian fly in Essex, Hertfordshire, and other parts of Great Britain; whether the attack is of a more serious nature than that reported last year; and, what steps have been taken in the matter by the Agricultural Committee of the Privy Council?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS) (Birmingham, E.) (who replied) said: According to the information received at the Agricultural Department, the Hessian fly has appeared at Errol, N.B., in Yorkshire, Cambridgeshire, Hertfordshire, Hampshire, and Suffolk. It appears, therefore, to be more widely spread than last year. The Agricultural Department have been advised by Mr. Charles Whitehead, the eminent entomologist who advises the Department in these matters, that a careful investigation should be made on the spot in each case, for which arrangements are being made.

WAR OFFICE—LIEUTENANTS OF INFANTRY AND OF CAVALRY — INCREASE OF PAY.

MR. A. P. ALLSOPP (Taunton) asked the Secretary of State for War, Whether he will take steps to remove the admitted anomaly whereby a Lieutenant of the Infantry after seven years' service is entitled to an increase of pay of 1*s.* per diem, and a Lieutenant of the Cavalry is not, either by a reduction of pay in the one case or by a rise of pay in the other?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): If it be an anomaly that Infantry Lieutenants should have an increase of pay after seven years in the ranks while Cavalry Lieutenants do not, the anomaly has subsisted since 1806; but I would point out that, even after the increase, the Infantry rate of pay is less than the Cavalry minimum. To increase the pay of all Cavalry Lieutenants of seven years' service might cause expense, for which there is no apparent necessity, while it is hard to see how they would benefit by the pay of Infantry Lieutenants being reduced, as suggested by my hon. Friend.

RIOTS AND PROCESSIONS (IRELAND) —ORANGE PROCESSION AT PORTADOWN.

DR. TANNER (Cork Co., Mid) asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is a fact that on Sunday the 10th of July a number of Orangemen from Portadown proceeded to Drumcree Church, near the town; whether they marched through the Catholic quarter of the town protected by police; whether, during the service, a portion of the congregation who came out attacked the orchard of a respectable Catholic farmer, named Patrick O'Connor; whether he was subsequently attacked by the mob and severely injured; and, why was it that the police escort did not interfere to preserve law and order, and prevent the attack?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The District Inspector of Constabulary reports that on Sunday, July 10, the Orangemen from Portadown attended Drumcree Church, in accordance with their annual custom. They marched, without music, through O'Bin Street, as being the most direct route. There was no police escort; some constables were placed on duty in the street. The service was held in the open air at the church. Patrick O'Connor has an orchard adjoining the church, and he states that some small boys threw stones at the apple trees, and that he was struck by one of the stones on the side. He was not attacked. The police, on the following day, on hearing of the occurrence through his daughter, proceeded to the residence of O'Connor, and found him at work as usual. He states he does not intend to prosecute the boys.

MR. CHANCE (Kilkenny, S.) asked, what was the name of the District Inspector who supplied the information?

COLONEL KING-HARMAN said, he had not got it.

ARMY — THE AUXILIARY FORCES — THE 5TH LANCASHIRE ARTILLERY VOLUNTEERS.

MR. HANBURY (Preston) asked the Secretary of State for War, Whether it is the fact, as stated in a recent communication from the War Office, that the 5th Lancashire are as well supplied with suitable guns as the other Artillery Volunteers; and, whether, out of their nine guns at Fleetwood, where as many as nine batteries practise, four are obsolete 32-pounder smooth-bore guns, the others being 64-pounder R.M.L. and 40-pounder R.B.L. guns; and, if so, what is the proportion of 32-pounder smooth-bore guns in the hands of the Artillery Volunteers generally?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): Yes, Sir. It is the fact that the 5th Lancashire Artillery Volunteers are as well supplied with suitable guns as the Artillery Volunteers generally. Of the nine guns at Fleetwood—where, however, seven and not nine batteries practice—three are 64-pounder rifled muzzle-loaders, two 40-pounder rifled breech-loaders, and four smooth bore 32-pounders. The proportion borne by the 32-pounder smooth bore guns to the rifled guns in the hands of Volunteers generally is about as 2 to 1; but issues now in progress will shortly reduce the proportion into about 1·5 to 1.

POST OFFICE (SCOTLAND)—THE LONDON DAY MAIL TO THE NORTH OF SCOTLAND.

DR. CLARK (Caithness) asked the Postmaster General, If it is true that the Post Office pays £2,500 a-year for running a special train from Aberdeen to Keith, at 3·35 a.m. out of the down London day mail, carrying a few local bags, and persists in sending the mails from Perth to the North, which are 100 per cent heavier, by a slow goods train, which is almost overtaken by the London night mail before it reaches Wick and Thurso, although it leaves London 10 hours earlier; and, when the Highland District, embracing as it does no less than seven counties, is to be put on a footing of equality with the district from Aberdeen to Keith, which has two fast mails each way daily for mails of far less weight and importance?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): It is quite true the Post Office pays £2,500 a-year for an early morning mail service from Aberdeen. This service includes trains not to Keith alone, but also to Banff, and carries mails not only from

Aberdeen, London, and the South generally for towns in this locality, but also through mails from Aberdeen and other Scotch towns for Inverness and the North. The whole Highland district north of Perth is abundantly provided with mail trains at a very heavy cost; and, having regard to the outlay already incurred, I am quite unable to see my way to agreeing to any further expenditure.

CRIMINAL LAW AMENDMENT (IRELAND) BILL—PROCLAIMED CITIES AND TOWNS.

MR. SEXTON (Belfast, W.) (for Mr. W. A. MACDONALD) (Queen's Co., Ossory) asked the Chief Secretary to the Lord Lieutenant of Ireland, Why the following cities and towns have been proclaimed under this clause — namely, Dublin, Cork, Limerick, Kilkenny, Galway, Carrickfergus, Waterford, Drogheda, and Londonderry; and, whether the Government have any reason to apprehend that the offences specified in in Clause C of the 3rd sub-section of Section 2 will be committed in these cities and towns?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): I think I indicated in the answers I gave yesterday the grounds which induced the Government to apply Clause C to the cities and towns referred to. As I stated then, this sub-section only assimilates the law in Ireland with the law which already exists in England.

MR. SEXTON: I would like the right hon. Gentleman to put an end to some doubt which has arisen with regard to the answer given yesterday with regard to those cities and towns. The report in *The Times* says that the cities and towns are only proclaimed under paragraph c of Sub-section B of Section 2. But the answer given to the House says that six cities have been generally proclaimed. What is the extent and force of the Proclamation?

MR. A. J. BALFOUR: If I was reported to have stated that these cities and towns were proclaimed generally it was an error of the Press. They have only been proclaimed under one subhead of one sub-section of one clause.

MR. SEXTON: With respect to the second paragraph, I would ask the right hon. Gentleman whether the offences specified in the clause applied to these cities—namely, assault or wilful and unlawful resistance or obstruction to Sheriff, bailiff, or process-server in the discharge of his duties have already been committed, or any of them, in these towns under circumstances necessitating a special law, or exceptional administration of it?

MR. A. J. BALFOUR: As I stated yesterday, I do not regard the power of summary conviction in the case of assault upon, or resistance to, the police as in any way a provision which ought to be regarded as exceptional. It is not so in England; and I see no reason why it should be so in Ireland.

CRIMINAL LAW AMENDMENT (IRELAND) ACT — PROCLAMATION OF THE QUEEN'S COUNTY.

MR. W. A. MACDONALD (Queen's Co., Ossory) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is correct, as stated in *The Freeman's Journal*, that the Queen's County has been proclaimed under Sections 1, 2, 3, and 4 of the Criminal Law Amendment (Ireland) Act, and is thereby made subject to the provisions for secret inquiry, summary jurisdiction, special juries, and a change of venue; and, whether, according to Constabulary Returns, the agrarian outrages in the Queen's County for the three months ending 30th June amounted to only three, all of which were threatening letters?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): This is the first of a series of Questions relating to the grounds on which the Government have thought it necessary to proclaim certain districts in Ireland under the main provisions of the Crimes Act. Therefore, the answer I give to this Question may, I hope, be taken as explaining the general policy of the Government, and as giving an answer in part to the other Questions which follow on the Paper. We have resolved to proclaim no area of smaller extent than a county; not because there are not many instances in which a considerable part of a county is comparatively quiet, but because a county appears to be the most convenient unit for administrative purposes. It may, therefore, happen, and it has happened, that while the statistics of crime for a county generally seem satisfactory, or fairly satisfactory, they are not so for the purposes of this argument, since they really indicate a very serious state of things in a relatively small area which specially calls for increased stringency in the machinery of the law. [*Home Rule Laughter.*] I do not know whether the hon. Gentleman who laughs understands that point. [VOICES: Thoroughly.] In the second place, the Government have not been guided merely by statistics of agrarian outrage, or even by the number of persons Boycotted, or under police protection. We have been also guided by the reports and opinions as to the social condition of the counties which we have received from responsible officers. With regard to the particular Question asked by the hon. Gentleman with regard to the Queen's County, the number of persons reported to be Boycotted is 113, and 36 persons are receiving police protection. The incidents attending the Luggacurren evictions are a further indication of the condition of the district.

MR. SEXTON (Belfast, W.): I wish to ask the right hon. Gentleman, whether, as he alleges that nothing more grave than intimidation exists in Queen's County, and as in the contemplation of the Crimes Act intimidation is to be dealt with by Sub-Section 2 of Section 2, why the Government have applied to the Queen's County, which would be sufficiently dealt with by that section, the provision for private inquiry, change of venue, and special juries?

MR. A. J. BALFOUR: The hon. Gentleman is no doubt aware that intimidation affects the whole provisions of the Bill. Intimidation is one of the chief reasons why change of venue is necessary.

MR. W. A. MACDONALD: Does the right hon. Gentleman mean to say that if a particular, or small area of a county, is disturbed, that affords a sufficient ground for depriving the inhabitants of the whole county of their Constitutional rights?

MR. A. J. BALFOUR: Of course, Sir, these questions are always questions of more or less. But, undoubtedly, when a very serious state of things occurs in one district of a county, we have thought that sufficient justification for proclaiming the whole county.

CRIMINAL LAW AMENDMENT (IRELAND) ACT — PROCLAMATION OF LOUTH, MEATH, WICKLOW, AND DUBLIN.

MR. W. A. MACDONALD (Queen's Co., Ossory) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he can state specifically the reasons why counties Louth, Meath, Wicklow, and Dublin have been proclaimed under Clauses B and C of sub-section 3 of section 2 of the Criminal Law Amendment (Ireland) Act; and, whether any agrarian offences have been reported to the Constabulary in the counties of Louth, Meath, Wicklow, or Dublin during the last nine months?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): I do not think, Sir, that I can add anything to the answer I gave to a similar Question to-day and to one yesterday upon this point.

MR. SEXTON (Belfast, W.): Can the right hon. Gentleman say when we shall have in our hands the official documents promised yesterday, showing the precise scope and extent of the various Proclamations?

MR. A. J. BALFOUR: I do not know. These things take some time to prepare and print; but I will hurry it on as fast as I can.

MR. SEXTON: Shall we have it by Thursday?

MR. A. J. BALFOUR: Well, it has to be printed in Dublin; but I will try what I can do.

CRIMINAL LAW AMENDMENT (IRELAND) ACT — PROCLAMATION OF COUNTY KILKENNY.

MR. CHANCE (Kilkenny, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether County Kilkenny has been proclaimed under the Criminal Law Amendment (Ireland) Act (all save the dangerous association sections being declared in force therein); and, whether one alleged threatening letter is the sole agrarian offence reported to have occurred in that county during the quarter ending 30th June last? I wish to supplement the Question by asking, whether the one threatening letter referred to in the Question is the sole statistical evidence of a serious state of things in the relatively small area of which the right hon. Gentleman has spoken; and, whether, if he possesses any further evidence whatsoever, he will lay it before the House?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): I think the Question of the hon. Gentleman will be sufficiently answered if I say that 278 persons suffer more or less from Boycotting, and that 15 persons are under police protection in the county?

MR. CHANCE: Will the right hon. Gentleman be good enough to answer the second paragraph of the Question, relating to the one alleged threatening letter?

MR. A. J. BALFOUR: I confess I have not referred very particularly to this point; but I have no reason to doubt the statement of the hon. Gentleman.

MR. CHANCE: And will the right hon. Gentleman state whether he will lay on the Table any further information or evidence, if any, bearing on the alleged necessity for proclaiming the county?

MR. A. J. BALFOUR: I thought that I had given the hon. Gentleman evidence which, in the opinion of the House, was sufficient.

MR. CHANCE: Will the Chief Secretary state on whose authority he makes the statement as to the number of persons Boycotted?

MR. A. J. BALFOUR: The ordinary sources of information from which all the statistics of crime are obtained.

CRIMINAL LAW AMENDMENT (IRELAND) ACT — CO. DONEGAL — THE PROCLAMATION OF DONEGAL.

MR. ARTHUR O'CONNOR (Donegal, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the County Donegal is among the counties proclaimed under the Criminal Law Amendment (Ireland) Act; and, if so, whether he will state specifically the grounds for such Proclamation? May I be allowed to add to the Question, whethes he is aware that, while the Constitutional liberties of the people of Donegal are suspended under the Proclamation, it is not possible even to obtain a copy of the Act under which it is done?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): Sir, I cannot admit that the Constitutional liberties of any body are suspended. If, however, any information with regard to the provisions of the Act is required, I shall be glad to consider any means by which those provisions may be published in a convenient and general form. [Mr. T. M. HEALY: Give them a presentation copy.] It is quite true that Donegal is included among the counties that have been generally proclaimed. Donegal is especially one of those counties to which I referred in which the area of disturbance is relatively small, though serious. In the barony of Kilmacrennan there is disturbance. Sixty-one persons were Boycotted; violent resistance has been experienced by officers of the law in enforcing legal processes; police-constables have been badly injured; and gross attempts have been made to intimidate the Bench and witnesses in a Court of Justice.

CRIMINAL LAW AMENDMENT (IRELAND) ACT — PROCLAMATION OF COUNTY MONAGHAN.

MR. P. O'BRIEN (Monaghan, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that the County of Monaghan has been fully proclaimed under the Criminal Law Amendment Act; and, if he would state the grounds on which the county was proclaimed, seeing that there have been in the last 18 months, commencing January, 1886, and ending June, 1887, 14 offences, four of which are threaten-letters? I wish to add to the Question, whether, within the last four months, Mr. Shirley, Mr. Dacre, Mr. Hamilton, Colonel Forster, and Mr. Roe, landlords of Monaghan, have instituted ejectment proceedings against a number of tenants who represented nearly 12,000 persons; and, whether it is in consequence of the ejectments and evictions which have taken place and which are pending, and in consequence of the crime reported in the statistics, that he has proclaimed the County Monaghan; and, what is the particular area of the county which induced the right hon. Gentleman to proclaim it?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): In addition to the general ground I have already stated to the House, I may inform the hon. Gentleman that there are 163 persons more or less Boycotted; five are under constant police protection; and four others are under partial protection by patrols.

LEGACY DUTY OFFICE—RE-ORGANIZATION.

MR. KIMBER (Wandsworth) asked Mr. Chancellor of the Exchequer, Whether 19 men of the Legacy Duty Office with considerable service have received notice that they will be retired on the 30th September next, if a scheme for the re-organization of that Office, which has been long under consideration and is now before the Treasury, should be adopted; whether their services could be utilized in any other branch of the Public Service: and, whether, in the interest of the efficiency of the Department, he will take steps to secure the immediate publication of the scheme in question?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): Yes, Sir; such notice has been given. With regard to utilizing the services of the gentlemen to be retired, I may say generally that I am very anxious to establish, in concert with my Colleagues, a register of all retired men who are still more or less fit for service, with a view to their being re-employed, should opportunity offer, in other branches of public work. The difficulty, however, is that in most offices the numbers of men employed are already redundant, and extremely few new appointments are being made. In many Departments no new entries at all are made in the Upper Division. The details of the scheme cannot be made known until it has received the assent of the Treasury. I may say, however, that if adopted it will effect an immediate saving of about £6,500; and, even allowing for the difference between the pensions to be paid to the gentlemen compulsorily retired and those actually earned by them, there is still a net saving of more than £5,500.

SCOTLAND—LITERATURE, SCIENCE, AND ART—GRANT FOR SCIENTIFIC INVESTIGATION.

MR. BUCHANAN (Edinburgh, W.) asked the Secretary to the Treasury, Whether he will lay upon the Table and circulate, before the Vote for Learned Societies is taken, the Correspondence that has recently passed between the Treasury, the Secretary for Scotland, and Sir William Thomson, on the subject of the allocation to Scotland of a separate grant for purposes of scientific investigation?

THE SECRETARY (Mr. JACKSON) (Leeds, N.), in reply, said, he did not see that any public advantage would arise from the publication of the Correspondence. He should be glad to show it to the hon. Member, or give him any information. The letter from the Treasury was only a short one, and contained nothing of importance.

ROYAL IRISH CONSTABULARY—REMOVAL OF PLACARDS—WINDGAP, CO. KILKENNY.

MR. CHANCE (Kilkenny, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, early in July, Sergeant Joyce of the Royal Irish Constabulary, stationed at Kilmacoliver Barracks, and other policemen, tore down placards posted in and about Windgap, County Kilkenny, convening a meeting of the Windgap Branch of the National League; whether the police acted under orders; whether it is alleged that the said poster is illegal; and, if so, what part of the contents is objected to; whether any person has been prosecuted for posting the same; and, whether the police will be punished for tearing down the said poster? I wish to add that my Question as handed in contained the contents of the placard, and that that portion has been expunged at the Table.

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): Sergeant Joyce tore down two placards of the kind described. He acted in the discharge of his duty. The language used was calculated to disturb the public peace. The action of Serjeant Joyce was approved by his superiors. No person is to be prosecuted for posting the placard.

MR. CHANCE: Will the right hon. Gentleman, who has a copy of the placard in his hand, be good enough to state to the House what the objectionable contents of the placard are? [*Cries of* "Read!"] I do not know whether I would be in Order in stating the contents of the placard in the form of a Question addressed to the right hon. Gentleman.

MR. SPEAKER: The reason why I refused to allow that placard to appear is, that of late a very large number of

Questions have been given in containing a very large quantity of matter to be printed; and it was so overloading the Paper that I thought it right to stop the insertion of anonymous extracts from papers, and not to trouble the House with them.

Mr. CHANCE: Well, Sir; I would ask you whether I would be in Order now in stating the contents of the placard in a Question addressed to the right hon. Gentleman, asking him whether I am truly stating the contents?

Mr. SPEAKER: It would be quite sufficient if the right hon. Gentleman asks the right hon. Gentleman whether there was anything in the placard which he considers contrary to the law.

Mr. CHANCE: Then, Sir, I would ask whether there was anything in the placard which the right hon. Gentleman considers contrary to the law; and, if so, whether he will read to the House that portion of the placard?

Mr. A. J. BALFOUR: Sir, I consider that the placard, under the circumstances under which it was posted, was inflammatory.

Mr. CHANCE: What part of it does the right hon. Gentleman hold was contrary to the law?

Mr. SPEAKER: Order, order! The right hon. Gentleman has said that he considers the placard to be contrary to the law.

Mr. A. J. BALFOUR: Perhaps it would be convenient, if the hon. Gentleman thinks any illegality has been committed, that he would put a Question on the Paper on that subject to my right hon. and learned Friend the Attorney General for Ireland.

Mr. CHANCE: In reply to that observation, I do not consider there was anything illegal in the placard; and I now ask whether, if I lay on the Table a copy of it, the Chief Secretary will take any step to enable this House to test the accuracy and the candour of the reply which I have just received?

[No reply.]

Mr. BRADLAUGH (Northampton): I would like to ask the Attorney General for Ireland, in whose hand I see a copy of the placard, whether it is an illegal placard; and whether the most inflammatory portion of it is the request to persons to take out their cards of membership in the Windgap branch of the National League; and, whether this is a class of placard which the Government are now authorizing the police to destroy?

The ATTORNEY GENERAL for IRELAND (Mr. Gibson) (Liverpool, Walton): I had not the advantage of reading the placard; but if the hon. Member would renew his question to-morrow I will be happy to answer it.

Mr. CHANCE: I observe that the Chief Secretary did not answer one portion of the Question; whether any person is to be prosecuted for publishing this inflammatory placard?

Mr. A. J. BALFOUR: I have answered the question. Nobody is to be prosecuted.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): As the Attorney General for Ireland said that he did not advise the Chief Secretary, will the right hon. Gentleman state who did advise him as to the illegality of this placard, and what is the point of illegality specified by the adviser?

Mr. A. J. BALFOUR: The right hon. Gentleman mistook what I said. I did not give a legal decision at all upon the point.

Mr. JOHN MORLEY: Did not the right hon. Gentleman say the placard was illegal?

Mr. A. J. BALFOUR: I particularly and carefully said that it was inflammatory; and I asked anybody who wished to know about the legal aspect of the case to address a question to my right hon. and learned Friend the Attorney General for Ireland.

Sir WILLIAM HARCOURT (Derby): I would ask the right hon. Gentleman whether instructions were given to the police to pull down anything which, not being illegal, they might think to be inflammatory; and what is the inflammatory character and the inflammatory point of this placard which was ordered to be pulled down?

Mr. A. J. BALFOUR: The right hon. Gentleman asks me about the instructions that have been given to the police. I have no reason to believe that these have been altered since he was in Office.

Sir WILLIAM HARCOURT: I hardly think that that is a pertinent—I was going to say it is an impertinent answer. The question is not as to the instructions to the police; but how those instructions are carried out; and the question is whether, if the police pull down placards which are not illegal, what is the justification for so doing when it is brought to the notice of the Government, or what course they will adopt upon it? The right hon. Gentleman can answer a very simple question. What is the nature of this placard which, in his opinion, justifies the police in pulling it down?

MR. T. P. O'CONNOR (Liverpool, Scotland): Before the right hon. Gentleman answers, may I respectfully make him a suggestion. Is it not a fact that he has a copy of the placard; and, if not, I will be glad to place a copy at his disposal. As the right hon. Gentleman has stated that the placard contains inflammatory language, what reason has he for not reading to the House the language he considers inflammatory, and enabling the House therefrom to form something like an informal judgment on the action of the Government?

MR. A. J. BALFOUR: I need hardly say, Sir, that this is not an action for which I am directly responsible. The right hon. Gentleman has said that I did not answer his question. Now, one part of his Question undoubtedly was as to the nature of the instructions given to the police; and I was perfectly correct and perfectly relevant in informing him that those instructions had suffered no alteration since his own Administration. I do not wish to be dragged into a legal discussion, being a layman, in these matters; but I believe the law to be this—and I say it subject to correction by high legal authorities—that the police have power, and it is their duty, to pull down any placard which they think, on account of its being of an inflammatory character, may lead to a breach of the peace. Now, Sir, whether they were right or wrong obviously does not depend upon the mere character of the placard taken simply by itself; it depends on the character of the placard taken in connection with the circumstances of the district in which it was posted; and those who were responsible for the peace of the district were of opinion that it was not a placard which should be allowed to remain on the walls.

MR. CHANCE: May I ask the right hon. Gentleman whether the circumstances of the district, as shown by the Return of Agrarian Offences, consist in one threatening letter in three months?

[No reply.]

SIR WILLIAM HARCOURT: The right hon. Gentleman, in his earlier answer, said that he regarded the placard as inflammatory, and one which ought to be torn down. Why should he decline to tell the House what is the passage or passages in the placard which he regards as inflammatory; and what are the peculiar circumstances of the district which rendered it inflammatory there?

MR. A. J. BALFOUR: I do not know whether the right hon. Gentleman really thinks that any advantage is to be gained by carrying on a debate upon this subject across the Table of this House in the form of Question and answer. [*Cries of* "Read the placard."] But I may state to the right hon. Gentleman that I certainly think I should not be doing my duty as Chief Secretary for Ireland if I required special and elaborate Reports of the special local circumstances of each district before I refused to censure a police officer for doing that which his superiors said he was right in doing.

MR. BRADLAUGH: On a question of Order, the right hon. and learned Gentleman the Attorney General for Ireland has asked me to put upon the Paper for to-morrow a Question as to this placard. I want to know now, Sir, whether I should be justified in putting the contents of this placard upon the Paper; or how I am to raise before the House the question, or to challenge the legal judgment of the Attorney General for Ireland?

MR. SPEAKER: If the hon. Gentleman will put upon the Paper a Question to the Attorney General for Ireland, as was proposed to be done, asking what specific and particular passages in the placard he considers to be of an illegal character to justify the action taken, I think that would meet the circumstances of the case.

MR. BRADLAUGH: I would ask the Chief Secretary, who has declared that the circumstances under which the posting took place might render the placard inflammatory, which would not otherwise be so, are there any other circumstances than an invitation to the inhabitants of Windgap to come forward and take out their cards of membership of the Windgap Branch of the Irish National League; and, whether that could, under any circumstances, be one of the inflammatory matters which, under the present Act, is to be put down?

Mr. A. J. BALFOUR: I would respectfully suggest to the hon. Member that that should form part of the legal Question which he is anxious to put to my right hon. and learned Friend the Attorney General for Ireland.

Mr. BRADLAUGH: I would not have put the Question to the Chief Secretary but that he has already pronounced judgment himself.

Mr. T. D. SULLIVAN (Dublin, College Green): I beg to ask the right hon. Gentleman the Chief Secretary whether the placard is couched in the following terms——

Mr. SPEAKER: Order, order!

MERCHANT SHIPPING ACTS—PILOTS.

Mr. PULESTON (Devonport) asked the First Lord of the Treasury, Whether the Government will grant a Committee of this House, early next Session, to take into consideration the position of the pilots of the United Kingdom?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): In view of the representations made by the pilots and their representatives, Her Majesty's Government are willing to grant the Committee next Session. The question raised by the Bill of the hon. Member for Hull (Mr. King), dealing with pilotage certificates, must be referred to such Committee when appointed.

Mr. KING (Hull, Central) said, that, under the circumstances, he would not proceed further with his Bill, but re-introduce it next Session.

HIGH COURT OF JUSTICE (CHANCERY DIVISION)—AN ADDITIONAL JUDGE.

Mr. CAREW (Kildare, N.) asked the First Lord of the Treasury, Whether his attention has been called to the Report of the Committee appointed to inquire into the state of business in the Chancery Division of the High Court of Justice, dated 7th August, 1885, which states that the number of Judges attached to this Division was unequal to cope with the business, and recommends the appointment of an additional Judge as absolutely essential, in order to clear off arrears; whether he is aware that the number of causes standing for hearing is on the increase; and, whether any, and what, steps will be taken to carry into effect the recommendations of the Committee, and thus prevent the injury and additional costs caused to suitors by the present state of things?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): My attention has been drawn to the subject. I am aware that the number of cases standing for hearing is on the increase; but I am sorry to say that, having regard to the state of Public Business, I cannot enter into any engagement with the House to move an Address to the Crown for the appointment of an additional Judge in the course of the present Session.

SPAIN—ALLEGED MURDER OF A SEAMAN AT BILBAO BY A SPANISH SENTRY.

Mr. A. E. PEASE (York) asked the Under Secretary of State for Foreign Affairs, Whether any further information had been received at the Foreign Office with regard to the shooting of an Englishman, Martin Parker, at Bilbao last week; whether the English Government had asked satisfaction of the Spanish Government; and, whether anything would be done to obtain compensation for the poor man's family?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.), in reply, said, that on Thursday a telegraphic account of this occurrence appeared in the newspapers, and he was asked a Question upon it, and immediately directed that telegrams should be sent to Spain for a Report of the facts. He had no doubt that a Report would be made; but he thought that the hon. Member would see that it could hardly yet have been received. A matter of such importance could not be reported upon only by telegraph. It would require a searching inquiry by the Consul at Bilbao, to begin with, and, no doubt, by the Ministers at Madrid; and it would be altogether premature to say what Her Majesty's Government would do until such Report was received. He could assure the hon. Member that the matter would not be lost sight of.

Subsequently,

Sir JAMES FERGUSSON said, Her Majesty's Consul had reported that he had at once opened an inquiry, and was taking the depositions in the case; while the Military Commander had promised that the strictest inquiry should be made, and that the sworn Consular depositions should be joined to his proceedings.

THE MAGISTRACY (IRELAND)—RESIDENT MAGISTRATES.

Mr. E. ROBERTSON (Dundee) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it was true, as stated in *The Standard* of that morning, that—

> "It had been decided to retire a number of the senior Resident Magistrates, and to fill their places with younger men, who will be better able to discharge the onerous duties involved by the operation of the Crimes Act;"

and, if so, whether the Government had selected persons of whose sufficient legal knowledge the Lord Chancellor had been satisfied?

Mr. MAC NEILL (Donegal, S.) asked, Whether it was intended to subject to retirement, compulsory or otherwise, a number of these magistrates; how many new appointments to the post of Resident Magistrate the Government intended to make; were Resident Magistrates in Ireland appointed by the warrant of the Lord Lieutenant; did they hold their offices, not for a stated period, but during the pleasure of the Government; and were they liable to instant dismissal, without cause assigned, and without pension or other compensation? Having regard to the fact that the circumstances attending the appointment to the post of Resident Magistrate in Ireland, and the character and qualifications of the persons who were usually placed in that position had been frequently exposed in that House and elsewhere, would the right hon. Gentleman have any——

Mr. SPEAKER: Order, order! The hon. Gentleman is exceeding the fair limits of a Question.

Mr. MAC NEILL, continuing, asked, whether the right hon. Gentleman would have any objection to lay on the Table of the House a list of the gentlemen who were to fill the appointments, with their ages, their antecedent occupations, and their qualifications, if any, for exercising judicial functions?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): I am afraid I must ask for Notice of both those Questions.

CRIMINAL LAW AMENDMENT (IRELAND) ACT—SUPPLY OF COPIES.

Mr. ARTHUR O'CONNOR (Donegal, E.) asked, Whether the First Lord of the Treasury would order copies of this Statute and of *The Gazette* containing the Proclamations issued under it to be supplied to the Library of the House; and, whether he was aware that while Donegal and other counties of Ireland had been proclaimed it was not possible for the Representatives of the Irish people to obtain, here or anywhere else that they knew of, copies of the Statute or of *The Gazette* containing the Proclamations?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster) said, he was not aware of the circumstances stated by the hon. Gentleman, and no Notice had been given him of the Question till he entered the House; but he apprehended that the officers of the House were responsible for providing the Library of the House with such information as hon. Members desired.

Mr. T. M. HEALY (Longford, N.) asked, whether when the recent Proclamations were issued the authorities had before them a copy of the Statute under which they acted, seeing that it was not printed?

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): Yes, Sir—that is, I believe so. I beg pardon; the copy we had before us was not a copy in the form which one is familiar with in this House; but it was one of those quarto forms which I believe are printed by the Queen's printers.

Mr. T. M. HEALY asked how it was that, though Dublin was practically 14 hours from London, they could have the Statute in Dublin on Saturday, when it was not obtainable in London even on Tuesday?

Mr. A. J. BALFOUR: I have no jurisdiction over the Queen's printers.

Mr. CHILDERS (Edinburgh, S.) said, that some years ago it was the custom to deliver to Members, within two or three days of its passing, copies of each Act. This custom had been discontinued. He therefore wished to ask the First Lord of the Treasury whether, considering the great importance of the Criminal Law Amendment

(Ireland) Act he would not arrange that copies of it should be delivered at once?

Mr. W. H. SMITH said, he did not think that the present Government were at all responsible for the change which had been made in that arrangement; but the suggestion of the right hon. Gentleman was a very reasonable one, and he would see if it could be complied with so far as that Act was concerned.

LAW AND POLICE (METROPOLIS)—CASE OF POLE AND OTHERS—REMISSION OF SENTENCES.

Mr. PICKERSGILL (Bethnal Green, S.W.) asked the Secretary of State for the Home Department, Whether he could now give his decision with regard to the four men who had been imprisoned for an alleged complicity in disturbances at Hyde Park?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.), in reply, said, that taking into consideration the reduction of the sentences on appeal, both in the case of Edward Pole and of Stafford, it was his intention to offer to Her Majesty a recommendation to release the others in custody.

CROFTERS' HOLDINGS (SCOTLAND) BILL.

Dr. CLARK (Caithness) asked, whether it was the intention of the Government to proceed to-night with the consideration of the Lords' Reasons for disagreeing with the Commons' Amendment to this Bill; and, if so, at what time?

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster) said, he hoped the Bill might be taken to-night; but he could not say at what time it would be taken.

Dr. CLARK said, it was a very pressing measure, and unless it was passed soon it was of no use whatever.

Mr. W. H. SMITH said, he was well aware of the importance of the measure, and he wished to see it passed.

ROYAL IRISH CONSTABULARY—REPORTED RESIGNATIONS.

Mr. SEXTON (Belfast, W.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, If it is true, as reported, that a constable of the Royal Irish Constabulary in Belfast, and another in the King's County, have resigned in consequence of the passing of the Criminal Law Amendment (Ireland) Act?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): I have no information on the subject.

BUSINESS OF THE HOUSE.

Mr. MASON (Lanark, Mid) asked, when the Coal Mines, &c. Regulation Bill would be taken?

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster), in reply, said, he had no hope that the Bill would be taken this week; but hoped that it would be proceeded with very soon after the Committee on the Irish Land Law Bill closed, having regard, of course, to the exigencies of Supply.

Mr. JAMES STUART (Shoreditch, Hoxton) asked, whether, having regard to the circumstances under which the debate on the second reading of the Marriages Confirmation Bill had been adjourned that morning on the casting vote of the Speaker, the First Lord of the Treasury would be prepared to arrange that the Bill would come on before half-past 12 that evening?

Mr. W. H. SMITH said, he was sorry to say that, looking at the very great importance of the measure now under the consideration of the House, he should not feel justified in asking the House to report Progress before half-past 12.

Mr. JESSE COLLINGS (Birmingham, Bordesley) said, he wished to ask the First Lord of the Treasury, with reference to his statement that the Government desired to receive practical suggestions respecting the terrible amount of land now out of cultivation, whether he would give facilities during the present Session for the consideration of those suggestions and remedies contained in the provisions of the Small Holdings Bill?

Mr. W. H. SMITH said, that the Government would be exceedingly glad if an opportunity could be found for the discussion of the measure in which the hon. Member took an interest; but he was afraid it was not in his power to make any engagement with the hon. Gentleman to provide facilities, for there were, unfortunately, too many measures which they desired to forward, some of which they could not pass into law this Session.

MR. LABOUCHERE (Northampton) inquired when Supply would be taken?

MR. W. H. SMITH: I hope we may get through the Irish Land Law Bill in the course of this week, and Supply will follow.

ARMY AND NAVY ESTIMATES (SPECIAL REPORT).

LORD RANDOLPH CHURCHILL *reported* from the Select Committee on Army and Navy Estimates that they had agreed to the following Special Report:—

Your Committee report that, in their opinion, it would be highly beneficial and advisable for the purposes of their inquiry, that the House should authorise them to take such steps as they deem necessary to secure an independent professional examination and audit of the Expense Accounts of the Army Manufacturing Departments, and of the books on which those Accounts have been based.

Special Report to lie upon the Table, and to be *printed.* [No. 239.]

Motion made, and Question proposed, "That the Report be taken into consideration upon Thursday." — (*Lord Randolph Churchill.*)

MR. T. M. HEALY (Longford, N.) asked, whether that Motion would take precedence of the Irish Land Law Bill on Thursday?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I think there would not be a single moment of delay in agreeing with the Report, and that the recommendation of the Committee would be accepted at once by the House unanimously.

Motion *agreed to.*

Special Report to be taken in consideration upon *Thursday.*

ORDERS OF THE DAY.

IRISH LAND LAW BILL [*Lords*].

[BILL 308.]

(*Mr. A. J. Balfour.*)

COMMITTEE [*Progress 25th July.*]

[SECOND NIGHT.]

Bill *considered* in Committee.

(In the Committee.

Clause 1 (Leaseholders, 44 & 45 Vic. c. 49).

MR. LEA (Londonderry, S.): I rise for the purpose of moving the omission, in page 2, of the Proviso at the end of the clause, which says—

> "Provided also, that when under the provisions of this section an application is made to the Court to fix a judicial rent for a holding held under a lease, the Court shall disallow such application if the Court is satisfied that the landlord or his predecessors in title has or have made permanent improvements on the holding, the unexhausted value of which improvements is at the time of the making of such application not less than four times the yearly rent of the holding."

The Proviso which I propose to omit is, I think, contrary to all the pledges which the Government have given. I cannot imagine why the Government propose to place leaseholders under greater stringency by this measure than was imposed by the Land Act of 1881. The right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) and the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen) the other day said something about English managed estates in Ireland; but I cannot think the right hon. Gentleman the Chancellor of the Exchequer will for a moment defend this Proviso. Those who are acquainted with the state of Ireland are fully aware that the landlords over and over again have borrowed money from the Government at 3 and 3½ per cent, and have charged the tenants 5 per cent on their outlay. I believe I am correct in saying that under the Land Act of 1880 the landlords were empowered, to a certain extent, to borrow money even at 1 per cent for the improvement of their land, and that the investment of money borrowed at so low a rate of interest has been followed by an increase of 5 per cent on the rent. Can it be maintained that a fact of that nature is to disqualify a tenant from coming in in order to get a fair rent fixed. It is altogether contrary to every principle of justice, opposed to the principles of the Land Act of 1881, and will, if carried out, disqualify a large number of tenants. I do not know whether the Government have any information which they can give to the Committee upon this point. An estimate has been made by a solicitor in the North of Ireland that a sum of £5,000,000 has been advanced to the landlords in this way, and that if the clause passes in its present shape those advances will have the effect of disqualifying many thousands of leaseholders from getting any benefit under the Bill. It cannot be contended that when the tenant, with a rental perhaps of £100 a-year, has spent a large sum of money in improving the holding, it would not be a confiscation of the tenant's interest in the holding if he were prevented from coming into the Land Court to have a fair rent fixed simply because the landlord has borrowed and spent money from the Board of Works at a rate varying from 1 to 3½ per cent. Such a proposal is contrary to the spirit of the provisions of the Land Act of 1881. I cannot for a moment believe that the Government intend to do an act of such great injustice; and, therefore, I beg to move the omission of this Proviso.

MR. T. M. HEALY (Longford, N.): Upon a point of Order, I wish to ask whether, if the Government refuse to accept the Amendment, the whole of this sub-section will be affirmed?

THE CHAIRMAN: I propose to put the Amendment down to the word "improvements," where the first Amendment is proposed to be inserted in line 9.

MR. T. M. HEALY: May I ask you to put it down to the word "lease?"

THE CHAIRMAN: In what line?

MR. T. M. HEALY: In line 6.

Amendment proposed, in page 2, line 4, to leave out from the word "provided" to the end of the Clause —(*Mr. Lea.*)

Question proposed,

"That the words 'Provided also that when under the provisions of this section an application is made to the Court to fix a judicial rent for a holding held under a lease,' stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The hon. Gentleman the Member for South Londonderry says that this sub-section is contrary to all the pledges the Government have given. I cannot quite accept that statement; but I am ready to admit that the Government have no desire to exclude any class of leaseholders who ought to be included within the benefits of the section; and, therefore, as this sub-section would no doubt have the effect of excluding some leaseholders, although not nearly so many as the hon. Gentleman thinks, we shall not attempt to carry out the object we had in framing the Proviso in the manner in which it stands in the Bill at present. In other words, we shall not make any attempt to protect the interests of the landlord who holds what is called an English-managed estate by excluding his leasehold tenants from the benefits of the clause. The hon. Gentleman went on to say that this provision is entirely contrary to the spirit of the Land Act of 1881. Well, I cannot quite accept that statement either. In the Land Act of 1881 there was an attempt made to exclude borrowing operations on what are called English-managed estates, on which the improvements, to a large extent, are carried out by the landlord. But owing to certain technical objections that clause did not succeed in excluding, even from the operation of the Act of 1881, those few estates in Ireland which are managed on the English system. But Parliament had recognized before, and may still be asked to recognize again, that where the landlord has done a good deal towards carrying out the permanent improvements on his estate such estate shall be treated in a different manner from an estate managed purely upon the Irish principle. The distinction between the two is that the Irish landlord is simply the owner of his land on which the tenant has done the greater part of the improvements, and for the use of which land the tenant pays him a certain annual sum. The English landlord does all that, and something besides. He is a man who has not only given his land for a certain length of time to be cultivated, but he is a man who actually lends capital upon it in the same way as if he were a money-lender, and the capital which he lends is utilized by the tenant in effective improvements. Therefore, there does seem to be a *primâ facie* case of justice for saying that inasmuch as the landlord is not only the owner of the land, but lends capital to enable the tenant to cultivate the land, he shall not be treated on the same principle as the landlord pure and simple. It is in order to carry out that object—an object the Legislature in 1881 considered to be worthy of being carried out by the section known as the Heneage Clause, that we have put down this Proviso. I am now talking about the broad principle of the matter, and do not propose to enter into details. I feel that although that principle is a just and sound one, it is not a principle which we can carry out by this Proviso, because the Proviso would have the effect of excluding those tenants altogether from the benefits of the Act. I therefore fall back upon the suggestion of the right hon. Member for West Birmingham (Mr. Joseph Chamberlain) in the speech which he made on the second reading of the Bill, in which he proposed that that part of the landlord's interest in the holding which represents his outlay should be put on one side by the Land Court, and that he should be allowed a fixed rate of interest, apart from any variation of reasons, or fall of prices, just as if the money had been lent, and that the Land Commissioners should fix a fair rent merely for the holding.

MR. T. M. HEALY: That is already done.

MR. A. J. BALFOUR: No doubt, under the Act of 1881, the Sub-Commissioners could take into consideration not merely the rent of the holding, but the interest upon the money, which, properly speaking, has been laid out upon it. Therefore, if the Committee take that view, I shall be prepared, in lieu of this Proviso, to propose a form of words for carrying out the suggestion of the right hon. Member for West Birmingham. The words would run in this way—

> "Provided that when an application is made to the Court to fix a fair rent of a holding held by a lessee under this section, if the Court is satisfied that the landlord or his predecessor in title has made permanent improvements on the holding, the unexhausted value of which at the date of the application is ascertained to be not less than twice the yearly rent of the holding, the Court shall fix a fair rent for the holding, subject to the landlord's interest, at the rate of 4 per cent per annum in respect of the unexhausted improvements."

In order that the point may be raised in the most convenient form, I would suggest that the hon. Gentleman should withdraw his Amendment, and I will then move these words in substitution.

MR. T. W. RUSSELL (Tyrone, S.): I hope the Government will not take their stand on this matter now, and I will tell the Committee the reason why. The English-managed estates are so few that they are not worth considering in dealing with the question, and even where they exist the Court would be bound to take all the circumstances of the case into account. Even supposing that the landlord has done all this and made all the improvements with his own money, and not out of money borrowed from the Board of Works, what is the use of a Court if it is not to take such a fact into consideration, and fix the rent accordingly? I hold that the Court is bound to take everything into consideration, and I hope that the Government will omit this Proviso from the Bill, and allow us to get on with the remaining provisions.

MR. A. J. BALFOUR: The Government are perfectly ready to accept the Amendment in the terms proposed by the hon. Gentleman; but in that case they will propose the words I have just read to the Committee. I think that is the most convenient course to take.

MR. T. M. HEALY: The hon. Gentleman the Member for South Londonderry, who moved the omission of the Proviso, referred to English-managed estates. In justice to the right hon. Gentleman the Member for Great Grimsby (Mr. Heneage), I may say that when he moved the English-managed estates clause to the first clause of the Act of 1881, the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) intimated that his Government would throw up the Bill if that clause was inserted. The Bill went up to the House of Lords, and there the Peers did an insidious and dangerous thing; they put in a worse clause than that of the right hon. Member for Great Grimsby. English managed estates in Ireland are very much like snakes in Norway—they are not to be found anywhere. I would ask hon. Members to read the statement of Lord Cowper. He says that all the improvements in Ireland have been made by the tenant, and not by the landlord. Some noble Lord —whose name I have forgotten—got up when that statement was made in the House of Lords and challenged it, but Lord Cowper, in the face of the challenge, maintained the proposition that no improvements are made in Ireland except by the tenants. I see that the right hon. Gentleman the Under Secretary for Ireland is paying close attention to this point. He will probably tell me that he has made improvements; but how has he made them? Simply by borrowing money from the Irish taxpayers out of the Church Surplus Fund, and then putting the repayment in the shape of rent upon his tenants, which is practically to last for ever. I do not know whether that is absolutely the case, because I am not sufficiently acquainted with the circumstances, but I do know that the Irish landlords have made no improvements except by means of money borrowed from the Board of Works, and if you exclude that money which the tenants have to repay, and if you take away the improvements which the Irish tenants have made themselves, you will leave the soil as bare and naked as an American prairie. I think the right hon. Gentleman the Chief Secretary will be ill-advised if he did not take the entire circumstances into consideration, because he would only be adding an additional element of aggravation. Let me read the English-managed estates clause. The right hon. Gentleman the Chief Secretary says that it has failed in Ireland on account of a technicality in the clause itself. Now, no clause ever failed in Ireland owing to technicalities which were in favour of the landlords, but everyone has been worked up to the hilt. The English-managed estate clause says where application is made to the Court under this section in respect of any tenants the Court may, if it thinks fit, disallow the application if satisfied that permanent improvements have been made by the tenant, and that the tenant is entitled to compensation; but not if the improvements have been made by the landlord or his predecessor in title, and substantially maintained by him, and not made or acquired by the tenant or his predecessor in title. That was the language of the House of Lords, and let me assure the Committee that when the House of Lords frames language to benefit the landlords it knows very well what it is about. In this case it threw out a net with the very widest meshes, and it succeeded in reaching some 200,000 Irish tenants, although there is not a single estate which can be regarded as an English-managed estate. The matter has been brought to the test by legal inquiry and cross-examination, and it has been established as an incontrovertible fact that out of nearly 250,000 of tenants not one is proved to hold his tenantry in accordance with the principles of an English-managed estate. Under these circumstances, I warn the Government not to add an additional principle of difficulty and irritation which is certain to produce delay and inconvenience in the passing of the Bill.

Colonel WARING (Down, N.): With regard to the expenditure of money by landlords on their property, although Lord Cowper was unable in the House of Lords to state a case, and maintained that in every instance the money was borrowed from the Board of Works, I am able to give an instance, which is much better than arguments upon the point. In the case of my own property, my father expended £400 on a house which he let to a tenant upon a contract of this kind, which sum would be confiscated if the Committee agree to the proposal that has been made. I do not attach much value to the point myself, because I am satisfied that the Land Court would do justice to me, and take that circumstance into consideration; and I do not think the Court has, in any previous case, been anxious to commit an act of positive injustice. I only rose, however, to say that I do know of a case where the landlord's own money was spent.

Mr. O'DOHERTY (Donegal, N.): I can say of my own knowledge that I never knew a single sixpence spent by a landlord which was not allowed whenever it was brought before a Court, especially in the case of houses. The great grievance has been that houses have been valued far too high, and at a larger sum than the tenant could pay. I can assure the hon. and gallant Gentleman that his £400 will not be in the slightest danger if the 8th section of the Act is applied in the ordinary way. What the hon. Member for North Longford has mentioned is, I think, well worthy of the consideration of the right hon. Gentleman the Chief Secretary. He has said that money has been borrowed by the landlords from the Board of Works, and repaid by the tenant at a rate of four or five per cent interest with the intention that the charge should be terminated at a certain time, but at the end of 20 years it has been frequently found that it was included in the rent. As an instance of this, I may mention the estate of Lord Templemore, a few miles from Derry. This is a burning question so far as the unexhausted value of improvements is concerned. What the Government say is that those improvements belong to the landlord, but if the tenant has paid for them that is manifestly an injustice. If the Government are not satisfied with the 8th section of the Act, I would suggest another means of dealing with the question. There should be a proviso by which the Court should take into consideration any substantial portion of the money paid to the landlord by an increase of the rent charged to the tenant, with leave to appeal all round, so that the matter may be right and fair for all sides.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I quite agree with what was said by the right hon. Member for West Birmingham (Mr. Joseph Chamberlain) that the Government have made such Liberal concessions with regard to the Bill, that we ought not to press them too hard. I quite recognize the fair and equitable spirit in which the right hon. Gentleman the Chief Secretary has met the demand that has been made on this side of the House in this matter; but I think there may be some practical difficulty in the working of the clause. The right hon. Gentleman has suggested, as I understand, that the landlord should have a first charge. In some cases the landlord may have made improvements similar to those which have been mentioned by the hon. and gallant Member for North Down (Colonel Waring) in building a house. He may, however, have built a house that was inappropriate to the holding, and which the tenant does not appreciate, and it would be unfair to ask the tenant to pay four per cent on the actual value of the house from the builder's point of view if that house has no letting value from an Irish point of view. That is the real difficulty, and I would ask the Government to consider whether the Land Courts are not independent enough to take a sufficiently wide and open view of the matter. I am afraid that considerable difficulties will be involved if the right hon. Gentleman insists on the clause as it stands.

MR. MAURICE HEALY (Cork): I do not think that any additional value can be given to the clause by clogging it with this incumbrance, even from the point of view taken by the Government. As I understand the clause, it is open to this objection—that, in the first place, it makes a distinction between a yearly tenant and a leaseholder. The landlord may make some improvement upon the holding of a yearly tenant, but the same state of things which is to apply in the case of a yearly tenant is not to apply to the case of a leaseholder. I think that is unfortunate, because there is no difference of principle between the two cases, and no reason why the Government should propose to make a distinction between the two classes of cases. The hon. and gallant Gentleman the Member for North Down (Colonel Waring) has mentioned a particular case in which he was concerned in which large improvements were made by the landlord. If all these cases were cases in which the hon. and gallant Member was concerned, there would be no reason to believe that the tenant would not be properly treated. But a solitary case of that kind is not of the smallest value in furnishing the Committee with any light or guidance upon the question. I have not the misfortune to be an Irish landlord, but I have had a large experience in the Land Court of applications to fix a fair rent, and so notorious is it that the landlord makes no improvement, that it is a regular formula to ask whether the landlord makes any claim for improvements, and the invariable answer is that he does not. It is invariably the case that the improvements are made by the tenant. So common is that, that the landlord is generally invited to get up at the beginning of the case in order to spare the tenant the necessity of formal proof that all the improvements which have been made upon the land have been made by him. Certainly, that has happened in nine out of ten cases, and in the tenth the rule may not apply, not because the landlord made the improvements himself, but because he has evicted a tenant who had made them, and then sub-let the holding to somebody who took it with these improvements upon it; and, therefore, technically, the improvements were held to be the landlords, although they might have been made by some previous tenant. I cannot see what the Government expect to gain by an Amendment of this kind—an Amendment which is vicious in principle, and which, in the case of the tenants' improvements, has been over and over again acknowledged by the Land Court. It is constantly the case that when the tenant has proved his outlay in regard to improvements, and claims to have them allowed, the landlords have come into Court to admit that the tenants made the outlay, but that the improvements have been of such a character that they are of no value. That has been the universal rule in the Land Court, and I do not see why any different rule should be made in regard to landlords' improvements. It may turn out that a landlord has spent £200 or £300 in drainage; but one of the most common experiences in the Land Court has been to find that the money expended by the landlord has been so misspent and so mismanaged that drainage works executed 10 or 12 years ago were absolutely worthless at the date upon which the holding came into Court. Then why should the tenant be charged with a fixed rent for improvements which, whatever value they originally possessed, have, by deterioration, been rendered worthless. The proposition now made is vicious in principle, and I trust that the Government will make up their minds to grant concessions to the tenant, and not insist upon burdening him with some mischievous principle of this kind, which will take away one-half of the value of the Bill, and induce the Irish tenants, and those who represent them, to entertain a very uncharitable feeling in regard to the concessions the Government have made.

MR. ESSLEMONT (Aberdeen, E.): The right hon. Gentleman the Chief Secretary has read to the Committee the words he proposes to substitute for the present Amendment. I am glad to see the right hon. Gentleman the Member for West Birmingham (Mr. Joseph Chamberlain) in his place, because I cannot quite understand the proposal he made the other day. Let me suppose that the rent of a holding amounts to £20, and that the landlord has spent £500 upon it in improvements. That sum at 4 per cent will represent another £20 a-year, making the rent £40, which it is proposed to set aside as the full rent of the holding as it exists. If you take the holding without interest upon the improvements it would only be £20, and if you increase the sum the tenant has to pay to £40, it is obvious that the tenant is paying 4 per cent upon the capital spent in improvements in addition to his rent, whatever the cost to the landlord may be.

MR. A. J. BALFOUR: I think I have already very clearly explained to the Committee that the Government do not intend to adhere to the Proviso contained in the clause, and I have recommended the Committee to assent to the Amendment of the hon. Gentleman opposite, and then to allow us to discuss our Amendment. I made that suggestion some time ago.

MR. MAURICE HEALY: I would suggest to the right hon. Gentleman that he should do this. We have not yet had an opportunity of seeing the proposal of the right hon. Gentleman on paper. Will he now consent to strike out the Proviso as it stands on the clause, and on the Report bring up his proposal, which we will then have it in our power to discuss?

MR. JOHN MORLEY (Newcastle-upon-Tyne): I do not think the Report would be a convenient stage. I should think the plan suggested by the right hon. Gentleman the Chief Secretary is the best—namely, that we should at once negative the Proviso as it stands.

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived.*

Amendment proposed,

In page 2, at the end of the Clause, to add—"Provided that, when an application is made to the Court to fix a fair rent of a holding, by the lessee becoming a present tenant under this section, if the Court is satisfied that his landlord or his predecessors in title has or have made permanent improvements on the holding, the unexhausted value of which at the time of such application is asserted to be not less than twice the yearly rent, the Court shall fix a fair rent of the holding, subject to the landlord's right to be allowed interest at the rate of four per cent per annum in respect of the unexhausted value of the improvements."—(*Mr. A. J. Balfour.*)

Question proposed, "That those words be there added."

MR. DILLON (Mayo, E.): In Ireland in a great number of cases—in fact, the majority of the cases—it is admitted that the improvements referred to in this Amendment are made by money borrowed from the Board of Works, with re-payments in such a way that the entire sum is re-paid in 25 years. Now, what is the course adopted by a considerable number of Irish landlords, I do not say all of them. They borrow the money; they execute these improvements; they charge five per cent on the money so borrowed upon the tenant, and in many instances they make that charge a permanent addition to the rent. What is proposed by the Government is this — to deprive the Court of this discretion to consider whether all or part of the money which has been borrowed has been repaid by the tenant. It may be, and no doubt in most instances it will turn out, that the tenants made improvements themselves, the unexhausted value of which is more or less considerable. It may be proved to the satisfaction of the Court that a tenant has paid 5 per cent interest to the landlord on the money which he originally expended, and that the landlord has received more than all the capital expended. By this Amendment the Government deliberately propose to remove from the Court the power it now exercises in the case of yearly tenants, of taking all these facts into consideration, and making an allowance to the tenant accordingly. I am at a loss to conceive upon what reasonable grounds the Government can defend such a proposition. That is the first point I wish to call attention to. In the next place, I would ask the Government to consider that at the present moment every Court in Ireland, when fixing the judicial rent, takes into consideration the question of the unexhausted improvements of the tenants, and makes a liberal allowance when fixing the rent to be paid to the landlords, if the money the landlords have expended has not already been repaid. Why, then, should we interfere with the discretion of the Court? Another question also arises. As the Amendment is at present worded, there is an extraordinary ambiguity. The right hon. Gentleman the Chief Secretary says that in fixing a fair rent it must be fixed subject to the allowance to the landlord of 4 per cent on the value of his unexhausted improvements. It is considered important that the landlord is to get a fair rent for the holding, and this 4 per cent in addition. In that case, I maintain that he would be paid twice over.

MR. A. J. BALFOUR: That is not so. A fair rent is to be fixed for the holding apart from the improvements.

MR. DILLON: Then, what is the object of this Proviso, which proposes to tie the hands of the Court—first, in fixing the value of the holding, and then in charging 4 per cent interest on unexhausted improvements, which is to be added to the rent? The Court is engaged daily in the consideration of these matters; and why should it not be the duty of the Court to consider what would be an equitable allowance to the landlord as the owner? The whole question resolves itself into one of equitable jurisdiction. As you leave all other matters to be settled by the Court, I cannot see that the Government have given a single valid reason for tying the hands of the Court in this respect.

THE MARQUESS OF HARTINGTON (Lancashire, Rossendale): I have no doubt the intention of the Proviso proposed by the Government is perfectly equitable; but it seems to me extremely doubtful whether any real advantage can be gained by attempting to make a distinction, in settling a fair rent, between that portion of the rent which is interest on the money expended by the landlord and that portion of the rent which is the rent of the holding itself. What is really desired—and I believe the Committee are agreed on that point—is that in exceptional cases which certainly do exist, though I think they are not numerous, where the landlord has laid out money of his own in the improvement of his estate, that that fact should be taken into consideration by the Court in fixing a fair rent in case of permanent improvements having been made by the landlord and not by the tenant. Hon. Members say that that is already sufficiently provided for by a clause in the Land Act that was inserted by the House of Lords. What I have understood is that that clause in the Act of 1881 has been rendered inoperative, owing to the legal construction placed upon it, that a landlord, to come within the benefit of the clause, must be shown to have "maintained" as well as "made" the improvements. It is possible, although I cannot speak from experience on the subject, that that distinction may have the effect of excluding the landlord's expenditure from being considered in the Land Court. I know that on an occasion of this sort it is impossible for us to undertake the revision of every defect which may come to light in the Land Act; but it does appear to me that it would be better if, instead of an elaborate proposal such as that which has been read from the Chair, words were inserted on the Report if it should be found necessary, almost in the terms laid down in the Act of 1881, to omit the words which have been found to be objectionable. As the leaseholders are now going to have the same benefits as the yearly tenants, I cannot myself see any strong argument for treating leaseholders differently from yearly tenants. Therefore, I would recommend the Government to introduce a Proviso to this effect—that if it is necessary to protect them against some provisions of the Act of 1881 which are found to be inequitable, to insert a Proviso amending the Act of 1881, so as to escape the extremely limited construction which has been placed upon the clause. That, I think, would be preferable to the elaborate proposal which has now been made, and which I do not think would be found to be of any advantage to the landlords.

Mr. A. J. BALFOUR: Of course, I am fully conversant of the difficulties which surround the question. I admit that we have resisted several Amendments to this clause on the ground that they would give the leaseholders privileges which they would not get if they were tenants from year to year; and, on the whole, it is, perhaps, desirable that leaseholders under the clause should not be placed in a different position from ordinary tenants under the Act of 1881. Unfortunately, this proposal does draw a distinction of that kind, and therefore I admit the force of the noble Marquess's remarks, and, further, that the argument we have employed may be turned against us. The suggestion of the noble Marquess to leave the matter over until the Report stage is one which I consider the Committee would be well-advised to accept. I think the question is not one, as far as I understand it, which can possibly affect the interests either of the landlords or the tenants of Ireland. It is rather an attempt, in my opinion, and an advantageous and desirable attempt, to stop, if possible, what has now become a practice in Parliament—namely, that of interfering with contracts, whether they relate to the land or not, and of subjecting them to the review of the Court. The Government do not desire to interfere with contracts more than can be avoided, and they regard this extra payment in respect of improvements made by the landlord more in the nature of a pecuniary arrangement made between a debtor and creditor than a contract between landlord and tenant. I do not think I need further labour the question. I think I have made clear what the motives of the Government are; and, in accordance with the suggestion of the noble Marquess, the Proviso I have proposed will be withdrawn, in order to see whether some words cannot be brought up on the Report to meet the objections which have been raised.

Mr. T. M. HEALY: I would warn the Government against any attempt to deal with the question of tenants' improvements.

Mr. A. J. BALFOUR: This Proviso relates to landlords' improvements.

Mr. T. M. HEALY: No; it is really the tenants' improvements that are dealt with, and I warn the Government that if they go any further in that direction they may find that they are putting their hands into a hornet's nest. As to the proposal that the question should be re-opened on the Report stage, I shall certainly have to move, if the question is brought up in that way, that the Bill be re-committed, for we can never consent to discuss this question on the Report stage. In discussing the Act of 1881 there was nothing which caused so much friction as this question of the tenants' improvements. In regard to the tenants' improvements, the intentions of the right hon. Member for Mid Lothian in passing the Act of 1881 have been shown to have been grossly and cruelly betrayed by what occurred in the Court of Appeal in the case of "Adams *v.* Dunseath."

Mr. LEA: The Act of 1881 clearly lays down that the Land Court should consider the representative interests of the landlord and tenant in the holding, and it was further laid down what the Court ought to take into consideration in regard to a yearly tenant. I do not think the Government ought to introduce any special provision with regard to leaseholders which does not prevail in the case of tenants from year to year. They ought to show that some injustice has been done by the Court before introducing any fresh provision into the matter.

Mr. T. W. RUSSELL: I think the Court, in fixing the fair rent of the tenant, ought to take into account the improvements he may have effected, and when they come to fix the fair rent of a leaseholder they should also take into account the improvements effected by such leaseholder. No one would wish to confiscate the property of another person; but I do not think the leaseholder or the tenant should be placed in a worse position than the landlord.

MR. T. M. HEALY: I am quite willing that the Court should consider the landlords' improvements; but, as a rule, they have made none. Some of them have borrowed money from the Board of Works; but they have charged every penny of the outlay upon the tenants, and this is simply an attempt to swindle further the unfortunate tenant.

Amendment, by leave, *withdrawn*.

MR. T. W. RUSSELL (Tyrone, S.): I have now to move to insert the Proviso which stands on the Paper in my name, and is numbered 37. It is as follows:—

"Always provided that leases made since the passing of the Land Law (Ireland) Act, 1881, to take effect from a period subsequent to the passing of the said Act, shall be deemed to be leases existing at the passing of the said Act, in which the premises demised by the said leases so made after the passing of the said Act shall, before the making of the said leases, have been held by the lessees thereof, or their representatives, under leases which expired before the passing of the said Act, in which the said lessees or their representatives remained in the actual occupation of the premises from the expiration of the said leases, so made before the passing of the said Act, until the making of the said leases thereof, after the passing of the said Act."

The Proviso is designed to meet some special cases of hardship. The circumstance referred to is where tenants held under leases which expired shortly before the Act of 1881 was passed, and where the tenants remained on the holding cultivating it after the passing of the Act of 1881. Tenants in that position were never recognized by the landlords until after the Act came into operation, when leases were given to them which brought them into the position of future tenants, and deprived them of the right and the benefit of having a fair rent fixed. The Amendment of the hon. Member for Cork accomplishes the object I have in view, but will do more than I intend. I cannot conceive that the Committee will refuse the moderate demand which is made by this Amendment. The men for whom I ask this small modicum of justice had their rents fixed immediately after 1881, when prices were comparatively high, and they are suffering very severely now from the rents imposed upon them under the new leases. I will not go into the question as to the wisdom of bringing all leaseholders who took out their leases after 1881 under the Bill; but I do claim that those who were in a manner done out of the benefits of the Bill in this way should be brought under this clause.

Amendment proposed, to add, in page 2, at the end of the Clause, the following Proviso:—

"Always provided that leases made since the passing of 'The Land Law (Ireland) Act 1881,' to take effect from a period subsequent to the passing of the said Act, shall be deemed to be leases existing at the passing of the said Act, in which the premises demised by the said leases so made after the passing of the said Act shall, before the making of the said leases, have been held by the lessees thereof, or their representatives, under leases which expired before the passing of the said Act, in which the said lessees or their representatives remained in the actual occupation of the premises from the expiration of the said leases, so made before the passing of the said Act, until the making of the said leases thereof, after passing of the said Act."—(*Mr. T. W. Russell.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): If I understand rightly, the intention of the hon. Gentleman, in moving this Amendment, is that he proposes to deal with a particular class of cases of hardship which is alleged to have occurred under the operation of the Act of 1881. The hardship was of this character—that if a lease had expired in the year 1881, or at the very end of 1880, when it was known that the Land Act of 1881 was going to be introduced, the landlords, in some cases, instead of making the farmer lessee a tenant, kept him on as a caretaker on his own holding until that period had lapsed after which it became possible for the landlord to re-instate him as a future instead of a present tenant. When re-instated in that position, the tenant could not claim the benefit of the Act of 1881. Now, that, no doubt, is a grievance, and is inequitable. I quite admit the grievance, and we are bound by the general principles of the Bill to apply a remedy. We have put down a clause on the Paper to meet anything like cases of fraud or violence, or pressure on the part of the landlord, and we give power to the Court to break down leases entered into under such circumstances. I would hope, and, indeed, I believe, that the number of such cases are extremely few; but, be they few or many, I acknowledge that it is our duty, if we can, to remedy them. I am bound to say that I so far agree with the hon. Gentleman; but I think that the particular form of words he has put down on the Paper is unnecessarily obscured. If any hon. Member will read the words I think he will appreciate what I say.

Mr. T. W. RUSSELL: The clause was drawn by a barrister of very great experience.

Mr. A. J. BALFOUR: I am quite certain that if the hon. Gentleman had drawn it himself we should have been able to understand what he meant; but, unfortunately, having been drawn by a lawyer of great experience, who does not feel the difficulty we laymen have in dealing with these matters, it is very obscure, and there is nothing on the face of the clause itself to suggest that because these things are inequitable, and only because they are inequitable, the leases ought to be broken. I was going to suggest to the hon. Gentleman the propriety of substituting some such words as these—a copy of which I have furnished to the hon. Member for Cork (Mr. Parnell). My proposed sub-section would run as follows:—

> "This section shall apply to a lease made between the passing of 'The Land Law (Ireland) Act, 1881,' and the 1st day of January, 1883, of a holding whereof the lessee had been previously tenant under a contract of tenancy expiring after the 31st day of December, 1880, and of which he had continued in occupation up to the time of the making of the lease, if the Court is of opinion that the postponement of the making of such lease was a contrivance of the landlord to evade 'The Land Law (Ireland) Act, 1881.' In this sub-section, the expression 'lessee' shall include any person who would have been predecessor in title of such lessee if the tenancies existing up to the 31st day of December had continued to exist."

If the hon. Member will withdraw his Proviso I will venture to move this in its place.

Mr. T. W. RUSSELL: Part of it seems to meet my case, but I do not know about the whole of it.

The CHAIRMAN: Does the hon. Gentleman withdraw his Amendment?

Mr. T. W. RUSSELL: I should like to hear the Proviso proposed by the right hon. Gentleman read again. I do not see that the intervention of the Court is necessary. I would prefer to stand on the fact itself. If such an occurrence took place, it would constitute of itself the injustice of which I complain.

Mr. A. J. BALFOUR: If the hon. Gentleman will withdraw his Amendment, and allow the first part of the Proviso I propose to move to be put, he will be able to move an Amendment to that Amendment.

Amendment, by leave, *withdrawn.*

Mr. MAURICE HEALY (Cork): As a point of Order, I think the Amendment which I have on the Paper will take precedence of that of the right hon. Gentleman's.

The CHAIRMAN: No. The Member of the Government who is in charge of a Bill always has precedence when he submits an Amendment.

Mr. A. J. BALFOUR: I beg to move the insertion of the Proviso I have already read.

Amendment proposed,

In page 2, to add at end of Clause—"This section shall apply to a lease made between the passing of the Land Law (Ireland) Act, 1881, and the 1st day of January, 1883, of a holding whereof the lessee had been previously tenant under a contract of tenancy expiring after the 31st day of December, 1880, and of which he had continued in occupation up to the time of the making of the lease, if the Court is of opinion that the postponement of the making of such lease was a contrivance of the landlord to evade 'The Land Law (Ireland) Act, 1881.' In this sub-section, the expression 'lessee' shall include any person who would have been predecessor in title of such lessee if the tenancies existing up to the 31st day of December had continued to exist."—(*Mr. A. J. Balfour.*)

Question proposed, "That those words be there added."

Mr. A. J. BALFOUR: I would suggest that the hon. Member for South Tyrone should now move an Amendment omitting the last part of the Proviso.

Mr. MAURICE HEALY: I have an Amendment on the same point, and I desire to state my reasons for thinking the Proviso of the right hon. Gentleman inadequate, inasmuch as it does not go as far as the Amendment I have put down. The Amendment of the right hon. Gentleman differs from mine on four points; and two of them, I think, are vital. The other two are points on which some compromise may reasonably be made. The four points are these—in the first place, the right hon. Gentleman interposes a limit of time before the beginning and end of the party to which the scheme is to be applied. There is to be a sort of interregnum in the tenant's right which the right hon. Gentleman proposes should end on the 1st day of January, 1883, that being the date fixed by the Land Act for the commencement of future tenancies. That is a point upon which there would be very little difficulty in coming to an arrangement. It has been mentioned in the course of the debate as a proper date at which the fresh start should be made; and, therefore, I will not quarrel with the right hon. Gentleman for fixing that date. The second point upon which I differ appears to me to be a point of considerable importance. The Amendment of the right hon. Gentleman requires that before any tenant who, owing to the expiration of the tenancy at a particular moment, is deprived of the benefit of the Land Act, can get relief, he must be in a position to prove in Court that he remained in continuous holding from the time the first tenancy ended, and until the time his second tenancy commenced. Now, that is a point upon which there is not the slightest possibility of our coming to any agreement with the right hon. Gentleman; and for this reason—that it would exclude the most cruel and the most pitiful of all cases—namely, the case of a tenant who is evicted by his landlord, but whom the landlord reinstates in the course of a couple of months. Now, what difference of principle can there be in the case of a tenant whose legal rights have expired and who has continued to occupy his holding on sufferance, and of a tenant who has been evicted for a few months, the landlord having got possession of the land, and having re-instated the evicted tenant after that interruption of title? What is the case of the right hon. Gentleman? His case is that in that class of cases where the landlord has allowed the land to remain in the hands of the tenant as caretaker, and, after the passing of the Act of 1881, has for the first time given the tenant a lease, that lease ought not to be broken. Upon that point there is no difference of opinion; but why should the right hon. Gentleman go so much further, and exclude this unfortunate class of evicted tenants who, for some reason or other, the landlord afterwards re-instates? I submit to the House that it will deal with the question in a very imperfect and cruel way if it excludes these unfortunate tenants because the landlord has exercised his legal rights to the fullest degree, and, having put the tenant out of occupation for a few months, has afterwards re-instated him. Under the provisions of the Land Act the landlord would have a tenant who was placed in such circumstances completely in his power, and he could re-instate him on any terms he pleased. I certainly hope that the Government will make a concession upon this point. The next point is this. Suppose a case of this kind happens, that instead of evicting a tenant the landlord re-instated him as caretaker. In that case, as the Amendment is drawn, such tenant would be excluded from the benefit of the Act, because he would not, technically speaking, have enjoyed continuous occupation of the land. The landlord would be the occupier for all legal purposes, and the tenant would merely be his servant, who, for all the purposes of this Act, would be excluded from any benefit to be derived under it. I fail to see how any distinction can be drawn between the case of a tenant, although his tenancy has expired, who has been allowed to occupy it uninterruptedly under the terms of the old lease, and the case of a tenant who has been evicted and subsequently re-instated as a caretaker. In a case like that, I say it would be grossly unfair to the person who has lost possession of the holding to exclude him on account of this technicality from the benefits he would otherwise enjoy. I submit that, for all purposes, he ought to be considered by the Court as a tenant who has remained in occupation of the holding, and he ought to get the same benefit as if the landlord had not gone to the extreme length the law allows him to go. There is another point still. The Proviso starts from the 31st of December, 1880, which is the date I propose to fix in my Amendment; but the Government require that the tenant should have been in occupation on the 31st of December, 1880, whereas my Amendment makes it sufficient that the holding should have been in the occupation of the lessee, although the tenancy had been previously determined. The word "lessee" includes any person who would have been the predecessor in title of such lessee if the tenancy under which the holding had originally been occupied had continued in existence. There are cases—not very numerous, I admit—but there are a number of cases which occurred two years prior to the passing of the Land Act in which persons were permitted to occupy farms in Ireland, although their tenancies had been determined. Over and over again such cases have come before the Land Court, and the unfortunate tenant has been denied redress, because he was only in occupation on sufferance. Now I submit that if the landlord has chosen to permit the tenant to occupy the farm the tenant should be in the same position as if he had occupied the holding uninterruptedly. My last point is also a point of some importance—namely, the point mentioned by the hon. Member for South Tyrone in reference to the discretion of the Court. The Court must be satisfied that the postponement of the making of the lease was a contrivance of the landlord to evade the Irish Land Law Act, 1881. Now, I venture to say that it will be absolutely impossible for the tenant to prove that. The landlord is not called upon to express what his intention was in letting the occupation of the tenant continue and postponing the making of a new lease until after the Land Act had passed. How, then, can he be said to have evaded the Act, having regard to the fact that he never intended the tenant to have the benefit of the Act? I hope the right hon. Gentleman will not insist on this portion of the Amendment; but I think the most profitable way of discussing the points I have raised will be to bring them forward on the Report without my proposing any Amendment now.

MR. T. W. RUSSELL: I beg to move to leave out all the words after the word "lease."

THE CHAIRMAN: The hon. Gentleman proposes to omit these words—

> "If the Court is of opinion that the postponement of the making of such lease was a contrivance of the landlords to evade 'The Land Law (Ireland) Act, 1881.' In this sub-section the expression 'lessee' shall include any person who would have been predecessor in title of such lessee if the tenancies existing up to the 31st day of December had continued to exist."

MR. T. W. RUSSELL: Yes.

MR. PARNELL (Cork): I have an Amendment to propose.

THE CHAIRMAN: If the Amendment of the hon. Member for Cork (Mr. Parnell) touches prior words I shall be ready to receive it.

MR. PARNELL: My Amendment refers to line one of the Proviso—namely, after the word "made" to insert "or made to take effect." I think the Government will admit that these words are necessary in order to provide for leases made, but not made to take effect on a certain date. Otherwise, the section will shut out an enormous class of leaseholders whom I am quite sure it is the intention of the Government to include in this clause. In addressing myself to this Amendment I will express a hope that the Government will take a large view of the question and of their own Amendment, and will not, by making it too narrow, compel us to move a variety of Amendments to the Proviso which will necessarily take up a great deal of time. I am most anxious to do everything I can to assist the progress of the Bill; but when a clause of this kind comes before us, and the words of it are very narrow, it becomes absolutely our duty to bring the questions at issue under the attention of the Committee and of the Government. I trust that this Amendment, which is one of several I have to move, will be accepted by the Government.

Amendment proposed, to insert in the proposed Amendment, after the word "made," the words "or made to take effect."—(*Mr. Parnell.*)

Question proposed, "That the words 'or made to take effect' be there inserted."

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): Will the hon. Member for Cork read the passage, so that we may understand how the Proviso will be affected by the Amendment?

THE CHAIRMAN: If the Amendment is adopted the Proviso will read thus—

> "This section will apply to a lease made, or made to take effect, between the passing of 'The Land Law (Ireland) Act, 1881,' and the 1st day of January, 1883."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I am not certain that I quite understand the hon. Member. The section deals with leases made or agreed to be made between certain periods. Suppose that a lease was made 20 years ago, but was a reversionary lease of which there are several instances in Ireland, and which were provided for in the Act of 1881. The intention of the Amendment might be to cover the case of reversionary leases made 20 years ago. All I can say is, that the words of the Proviso would apply to such cases. I do not gather from the hon. Member that it is not his intention to apply it to the case of reversionary leases.

MR. O'DOHERTY (Donegal, N.): The Amendment proposes to deal with the common case of agreements made prior to November, 1882, which all of us agree should come in. But frequently arrangements have been made on parole for the formal payment of a rent, the lease to take effect from November, but not to come into actual existence until the January following.

SIR RICHARD WEBSTER: I think we are all agreed about the principle; but it would seem that the words are open to some ambiguity. I would suggest the insertion of the words "agreement or agreements for a lease."

MR. O'DOHERTY: A lease is by this definition actually an agreement for a lease.

Question put, and *agreed to.*

MR. MAURICE HEALY: I now propose to omit the words "under a contract of tenancy expiring." My object is to make the section apply to a lease made between the passing of the Act of 1881 and the 1st of January, 1883, of a holding whereof the lessee had been previously tenant "of which he was in occupation as tenant or otherwise on or" after the 31st of December, 1880, and of which he had continued in occupation up to the time of the making of the lease. The Amendment is designed to meet a common case of hardship which I adverted to a short time ago. If the right hon. and learned Gentleman the Attorney General for Ireland will consider the matter I think he will find that this is one of the commonest cases of all. The cases which have arisen have generally been cases in which the tenancies have expired on the 25th of March or the 1st of May, 1881, or on the 29th of September or the 1st of November, 1880. The Proviso of the right hon. Gentleman will only admit the tenancies which expired in March and May, whereas mine will let in tenancies which expired in September and November. The Act of 1881 applied to tenants who continued in occupation after the 31st of December, 1880, and many cases occurred immediately after the passing of the Land Act, in which tenants sought the benefit of the Act and were refused. If the right hon. and learned Gentleman is acquainted with the matter, he will be aware that quite as many leases expired on the last day of 1880 as upon the first day of 1881. Therefore I think this section ought to apply to one equally with the other, and, therefore, beg to move this Amendment.

Amendment proposed to the proposed Amendment, to omit the words "under a contract of tenancy expiring," in order to insert the words "of which he was in occupation as tenant or otherwise on or."—(*Mr. Maurice Healy.*)

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

MR. GIBSON: The question raised by the hon. Gentleman in his speech is not exactly what he has put on the Paper. The object of the Government was to meet the case put by the hon. Member for South Tyrone (Mr. T. W. Russell) that in the case of a person who has been in possession of a holding but who for some cause has ceased to be in possession of it as tenant, although really in occupation, and who in regard to his occupation for a considerable period has had a lease granted to him, he should be placed in the position of a present tenant, the object being to give him the benefit of the Act of 1881. It is clear at once that in dealing with the question the purpose of the Government was to provide an anterior limit over which the shadow of the coming Act might be supposed to be cast, and that period was the 31st of December, 1880—a period fixed by the hon. Member for Cork.

MR. MAURICE HEALY: For purposes of occupation.

MR. GIBSON: It is impossible to suggest any case of limit in which there might not be a hardship. We have to take a rough and broad line, and the line fixed by the hon. Member for Cork and ourselves is the 31st of December. I think that that is a fair compromise to the limit of time when the operation of the coming Land Act may be supposed to have influenced the minds of the landlords. The Committee have now to consider what are the class of tenants or of persons who are to get the benefit of the Act. They are not to be mere occupiers, but cases of tenants who ceased to be tenants properly, and came into occupation some time after the 29th of September. If we deal with cases further back—cases of tenants whose leases expired earlier in 1880—the result will be to place the Committee in some difficulty in justifying the equity of this legislation, which is certainly legislation of an *ex post facto* character. The Amendment of the hon. Member is an Amendment of a very elastic nature. He uses the words "tenant or otherwise;" and it would be perfectly competent for the Court to go back to a tenancy which may have been terminated 10 or 15 years before. There is no limit of time between the occupation, and the preceding tenancy. The only safe ground the Committee can go upon is to take broadly a date within which it may be supposed the coming Land Act might influence the action of the landlords, and to say that the tenants whose leases have expired after that date, and which fact might influence the mind of the landlords, shall be dealt with in this particular manner; and as to the question of the continuance of the occupation, I presume we shall be able to discuss that later on. As far as I understand the words that are used in the Amendment of the Government, and also in the Amendments put on the Paper by other hon. Members, that is the object with which the word "occupation" has been in every instance retained. I am not dealing with "occupation" as between the tenancy of one man and another, but I am dealing with the actual occupation of the land, which I understand to be physical occupation. If the landlord chose to appoint such a man a caretaker I think that case would be covered by this section.

Mr. T. HEALY: Oh, no.

Mr. GIBSON: The hon. and learned Member thinks it is not covered?

Mr. T. M. HEALY: Yes; that is my view.

Mr. GIBSON: Then, I beg the hon. and learned Gentleman's pardon. In my opinion it is.

Mr. CHANCE (Kilkenny, S.): So far as the question of occupation is concerned, may I refer to the case of "Eiffe *v.* M'Kenna," where the lease expired, and the tenant held on for 10 months, receiving receipts for his rent. Subsequently the landlord went to the Court of Appeal and said that the tenant was not there as tenant, but merely as a person having the use and occupation of the land, and that the receipts were virtually receipts for money paid for use and occupation for a certain limited period. The Court of Appeal held that that was so, and deprived the tenant of the benefit of the Land Act of 1881, which he would have got if he had been in occupation; and, on the face of that judgment, it is idle to tell us that the occupation will be deemed to be mere physical occupation. I have given the right hon. and learned Gentleman a case which went before the Court of Appeal, where a tenant, paying a rent which was precisely the rent he had paid previously, was held to be only a person who had merely a licence to use and occupy the land without being in actual occupation. I am convinced that, under that ruling, it will be held that occupation means a real and lawful tenancy, and that it will not cover the case of a caretaker, so that the result will be that this clause will be of very little value indeed. The right hon. and learned Gentleman has alluded to the fact that my hon. Friend the junior Member for Cork (Mr. Maurice Healy) has specified the 31st of December, 1880, as the date in his Amendment. I would point out to the Committee that that is a date giving the commencement of a new tenancy, and not a date determining an existing tenancy. Under the Government Amendment the only tenants who will get the benefit of the Act are tenants whose leases expired after the 31st of December, 1880; whereas those whose leases expired on the 25th of March, or the 29th of September, would have no advantage. I submit that the 31st of December is a most inconvenient date, and a date which would absolutely nullify the intention of the clause. At the right time, in spite of the wish the right hon. and learned Gentleman has expressed, I shall feel it necessary to move the omission of the 31st of December, 1880, for the purpose of fixing a more reasonable date—such as the 29th of September, 1880. That will include the great bulk of the leases which fall in on the gale day of September, 1880.

MR. O'HEA (Donegal, W.): It has been my lot to defend, for the purpose of keeping them in their holdings, a great many persons whose leases expired in 1880, and I know, as a matter of fact, that in a great many of those cases the Sheriff was not put in motion, but the people were allowed to remain in possession of their farms believing themselves to be fairly rented; but when the Act of 1881 was passed they were told that they were only in colourable occupation of their holdings, and they were obliged to capitulate to their landlords and accept any terms the landlords chose to impose upon them. I know, further, that a great many of the persons whose cases I refer to belonged to the most respectable class of peasants in Ireland; but they were obliged to accept leases. Therefore, I trust that the Committee will not be led away by what has fallen from the right hon. and learned Attorney General for Ireland. I am quite in agreement with the suggestion which has been made by the hon. Member for South Kilkenny (Mr. Chance) that unless some date anterior to the 31st December, 1880, is fixed, persons who have been kept in occupation without the Sheriff being put in motion will be without any remedy. I think this is a matter sufficiently serious to engage the attention of the Government, in order that they may extend to these persons the benefit of the Act, especially when we know that it is a mere matter of accident that leases drop out at this particular time.

SIR RICHARD WEBSTER: We are not now on any question of date; but the point the Committee is asked to decide is the omission of the words "under a contract of tenancy expiring," in order to insert "in which he was in occupation as tenant or otherwise." The hon. Member opposite has referred to a case which came before the Court of Appeal; but the decision of the Court did not turn on words such as the Government now propose. The objection I have to the Amendment is that it uses the words "occupation as tenant or otherwise." There is no distinction between "tenant or otherwise"; there is nothing to show any connection of the occupation with the tenancy; and it would, therefore, cover any occupier however the occupier got in, or when he got in, and whether he was a previous tenant or not. In point of fact it would put a leaseholder in a better position than an ordinary tenant from year to year. I am sure that cannot be the intention of the Committee. The words in the clause, as they stand, seem to meet the facts of the case much better than the words "occupation as tenants or otherwise." The adoption of which words would put a leaseholder in a position which I am certain the Committee does not contemplate.

MR. MAURICE HEALY: If I understand the hon. and learned Gentleman to say that the Government are willing to make a concession on the point of date I should have no objection to withdraw the Amendment. I must, however, point out that the question of date is of great importance.

THE CHAIRMAN: No question as to date is at present before the Committee.

MR. MAURICE HEALY: With all submission, Mr. Courtney, I think we are bound, in some sense, to have regard to the question of date, because, in my Amendment, I fix it as the 31st of December, 1880. What I am pointing out is that a tenant whose lease expires on the 29th of September should get the benefit of the Act. That is a very common case in regard to the expiration of a tenancy; but if the Amendment of the Government is accepted it will exclude all such cases. It is on this ground that I ask them to make a concession in regard to the date. The Government have taken my date, but they have altered its meaning by making the date the point to which the tenancy should reach, instead of making it the point which the occupation should reach. The effect will be to exclude a large number of tenants from the benefit of the clause. I hope the Government will give us some explanation upon the matter. We have no desire to do anything unreasonable. The hon. and learned Gentleman suggested the case of a man who may have occupied a holding for 10 or 15 years without a lease; but he knows very well that that is an absurdity and a case which cannot possibly arise.

Mr. T. M. HEALY: It has already been pointed out that a tenant in Ireland, instead of being in occupation until the 31st of December, 1880, will practically have ceased occupation on the 25th of March, or the 29th of September. Consequently the Government are running away with a fallacious idea that the Act will affect leases expiring on the 31st of December. As a matter of fact no leases expire on the 31st of December, but they will have been leases which have expired on the 25th of March, the 1st of May, the 29th of September, or the 1st of November. This question of date is really of some importance for this reason—that where you name the 31st of December you do not really mean the 31st of December, because no lease expires on that date.

The CHAIRMAN: Order, order! The Amendment of the hon. Member for Cork raises a question of the character of the occupation, whether as a tenant or otherwise; but if he merely wishes to raise a question of date, it would be better, for the despatch of Business, to withdraw the Amendment, and move an Amendment in regard to the date.

Mr. PARNELL: I wish to ask the Government whether they will object to deal with an Amendment which will affect the case of evicted tenants who have ceased, for a period, to be tenants before the passing of the Act, but who have been appointed caretakers, and afterwards reinstated as tenants under a lease? We wish to provide that such tenants as those should have the benefit of this Bill; and we also wish to make it quite clear that caretakers, under such circumstances, shall also, when they have been reinstated, have the benefit of the measure. If the Government have no objection to that proposition, we shall be glad if they will propose their own words, and we are quite ready to let the matter stand over, if they desire it, until the Report stage. I hope it will be possible for the Government to say whether they agree with that principle or not. I may add that time is now being occupied because the Amendments are not before the Committee in print.

Mr. O'DOHERTY: Perhaps I may be allowed to say a word as to the object which my hon. Friend the Member for Cork (Mr. Parnell) wishes to carry out. He desires to leave it to the Court to decide matters of fact—namely, to say whether there has been a continuance of the occupancy of the old tenant. That was certainly the intention of Parliament, and I do not see why the tenant should not have the rights which he had prior to the Act of 1881. If any leases have been entered into, that fact should also be taken into account.

Mr. R. T. REID (Dumfries, &c.): I have endeavoured, together with my hon. and learned Friend the Member for Southwark (Mr. A. Cohen), to follow the discussion which has taken place, but I confess that I have been unable to do so. Indeed, we have gone as far as to get a copy of the Amendment; but it is of a highly technical nature, exceedingly difficult to understand, and I think it is absolutely impossible for the Committee at large to follow the debate without having the Amendment before them. Therefore, I think it would be much more conducive to the despatch of Business if this matter were postponed until the Report, so that hon. Members may be able to follow it satisfactorily.

Mr. A. J. BALFOUR: I feel the difficulty which the hon. and learned Gentleman has pointed out; but the Government would have been placed in a false position, and would have laid themselves open to strong animadversion, if they had not laid the clause upon the Table. I think the House will feel that we are amply justified in the course we have taken. I had hoped that the Amendment we brought up would have met the difficulty, and that it would have been allowed to pass with very little discussion. I regret that that has not been the case, and, without finding fault with the course which hon. Members below the Gangway opposite have felt it their duty to take, I do not think we ought at the present moment to continue this very technical discussion. I would only suggest whether we should put it down as a substantive clause, or bring it up on the Report stage. That is a question for the Government to consider; but, at any rate, the last hour's discussion has shown that it is almost hopeless to expect the Committee to come to a satisfactory decision now.

MR. PARNELL: Do I understand that the right hon. Gentleman proposes to bring up the question in a new clause?

MR. A. J. BALFOUR: If that is the view of the hon. Gentleman I will certainly consider the matter.

MR. T. M. HEALY: I think it would be far better that we should have a distinct understanding. I have no desire to waste one moment of time unnecessarily; but I think it is desirable we should have a promise that the Amendment should assume the form of a new clause.

MR. A. J. BALFOUR: I think it is very likely that that will be the case.

Amendment to the proposed Amendment, by leave, *withdrawn.*

Proposed Amendment, by leave, *withdrawn.*

On the Motion of Mr. A. J. BALFOUR, the following Amendment made:—In page 2, line 11, at end, add—

> "In case of a lessee becoming present tenant under this section, the Court shall not, for fifteen years from the commencement of such present tenancy, authorise resumption by the landlord under this section."

MR. MAURICE HEALY (Cork): I cannot, having regard to the previous decision of the Committee, move the whole of the Amendment standing in my name. I shall, therefore, omit that portion of the Amendment relating to a letting or agreement to let for ever; and I think in that form the Government will agree that it is an absolutely non-contentious Amendment. The Bill contains no definition of the word "lease." The Act of 1881 contains no definition; it simply says that the word is to bear the same meaning as in the Act of 1870; you have to go back to that Act to get a definition, and then you are in a worse position than before—the definition is no definition at all, and is used solely for the purpose of explaining the meaning of the word in that Act. I draw attention to the peculiar form of the 21st section of the Act of 1881, which uses a meaningless expression, and draws a distinction between a lease and a contract for tenancy which is not a yearly tenancy and is less than a yearly tenancy. This is a somewhat technical matter. The right hon. Gentleman will see that these two contracts are placed on the same level. I do not know whether this is a contract for tenancy which is neither one nor the other of these; but if there be, the tenant ought to get the benefit of this clause, because Section 21 of the Act of 1881 excluded him from the benefit of that Act. I, therefore, beg to move my Amendment down to the words "fixed tenancy."

Amendment proposed,

> In page 2, line 11, at end, to add the words—"In this Act the word 'lease' includes an agreement for a lease and any contract of tenancy other than a yearly tenancy or a tenancy less than a yearly tenancy, but does not include a judicial lease or a fixed tenancy."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The 21st section of the Act of 1881 provided that contracts of tenancy should be dealt with as existing leases. There is no doubt on that point as a matter of legality, and I submit that it would be undesirable to multiply definitions by adopting the Amendment of the hon. Member, seeing that this Bill is identical with the Act of 1881, so far as this matter is concerned.

MR. MAURICE HEALY: If this clause used the phrase "existing lease," I admit that there would be no difficulty; but the words are not here. The words "existing lease" have a technical meaning in the Act of 1881, and the difficulty lies in its application to this clause. It is on that account that I propose my Amendment. The point I take is that the 21st section of the Act of 1881 mentions four classes of tenancies—namely, the lease, yearly tenancy, tenancy less than a yearly tenancy, and contracts of tenancy. I say that this clause should apply to contracts and agreements which are not in the other three classes, and I simply follow the 21st section of the Act of 1881, being driven to that because the Government have not used the phrase "existing lease." If this Amendment is not accepted there will remain the class excepted from the benefit of the Act of 1881, who will be excepted from the benefit of this Act. It is a difficult matter to explain this across the floor of the House; but I am perfectly sure that if I were in communication with the right hon. Gentleman I could show him that my Amendment is desirable; but in the expectation that the right hon. Gentleman will consider the matter between this and Report I will ask leave to withdraw it.

Amendment, by leave, *withdrawn.*

MR. O'DOHERTY (Donegal, N.): There is an Amendment in the name of the hon. Member for North Wexford (Mr. J. E. Redmond), which, in his absence, I propose to move. I believe the right hon. Gentleman the Chief Secretary for Ireland will see that there is a strong necessity for this Amendment, which is to meet the case that is ordinary in Ulster, on the estates of the London Companies, for instance, of the lease being handed down for many years to successors who have relied on the fact that it carried with it a beneficial interest, but who now would, under this Bill, be required to prove the title. I want the poor tenant to be able to go into Court without being compelled to prove his title. The Acts of 1870 and 1881 were both framed in the spirit in which I urge this Amendment; in both cases provision was made for poor tenants who could not take out administration. My clause injures no one, and it is merely to enable the Court to decide between landlord and tenant as to what is a fair rent. Take the case of a lease of 60 years at a rent of £5. I ask what would be the use of getting a poor man to produce his title under those circumstances? Why, it would put him out of Court altogether. It is to remove that disability that I, as a lawyer, speaking even against the interests of my own profession, suggest the Amendment I now propose should be adopted.

Amendment proposed,

In page 2, line 11, at end, add — "Any person beneficially entitled to the tenants' interest in a lease, any of the next-of-kin of a deceased lessee acting as though not being legally the representative of the deceased, any person liable for the rent of the holding to the landlord, and any person on whom notice to quit could be served to determine the tenancy, if it were a tenancy from year to year, shall for the purpose of making any claim or application under the Land Law (Ireland) Acts be deemed to be a lessee, without prejudice however to the rights or claims of any person to the tenant's interest in the holding, and without prejudice to the power or duty of the Court in proper cases to appoint any person as limited administrator, as provided by the said Acts."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I understand the hon. Member in the latter part of his observations to say that the Amendment would apply to a very different class of tenants from those he referred to in the earlier part of his speech. That would give the Amendment a very wide application indeed, and I may mention what the effect of it would be. Under the Amendment it would be competent, if a man left 10 or 12 next-of-kin, for each person to come into Court and have a fair rent fixed. It is necessary that the landlord should know who is to get the judicial tenancy. There may be many cases in which the tenant would be too poor to have a representative, and in such cases the Court at no cost at all makes the person who comes into Court, if he fairly represents the tenant's interest, and is a decent man, the administrator for the purposes of the suit. The landlord then knows whom he is to look to for the rent. In whom is to be the judicial tenancy? The proposal of the hon. Member is that it is to be in the whole body of the next-of-kin. But it is impossible that everyone calling himself the next-of-kin should come into Court and have a judicial rent fixed, he, perhaps, being put forward as a pauper in order to avoid the claim of the landlord for rent. I think I have said sufficient to satisfy the Committee that this Amendment, which is of a highly technical and theoretical character, ought not to be accepted. We all know that a large amount of work has to be got through, and I earnestly invite hon. Gentlemen opposite not to press Amendments of this kind. The present Amendment is of no very important character so far as regards the benefit it would confer on the tenant, whereas it would be very injurious with regard to the landlords in Ireland. This is a serious matter for the Committee to consider, and I submit that, having regard to the great number of questions which we have to discuss, the hon. Member should consent to withdraw his Amendment.

MR. O'DOHERTY: The contention of the right hon. and learned Gentleman is that a man who comes into Court as lessee must prove his lease and the assignment of it, unless he has been appointed administrator for the purpose of making this claim. He also spoke of the whole of the next-of-kin coming into Court; but I would point out that the Amendment is carefully limited to one as legal representative of the deceased. The right hon. and learned Gentleman next spoke of a pauper coming into Court and getting a fair rent fixed, and then hopping out of Court and leaving the landlord without other resource. I never heard a description of an Amendment so utterly opposed to the meaning of the Amendment itself, and I venture to say so contrary to what any Irish lawyer believes it to be. I say you will exclude the man who has had a lease for 50 years as effectually as if he had only held it for five years. This Amendment is, in my opinion, of a much more important character than that which we have been debating for two hours, and it is an Amendment which we shall press upon the Government, because of the effect which the former Acts have had in excluding tenants of this class from the benefit of the Bill. I have listened with absolute astonishment to the remarks of the right hon. and learned Gentleman, and the only explanation I can find for them is that he believed this Amendment to have been put down by a layman and never read it. As I have said, we shall continue to press it on the Government, because, while it is one that can do no harm, it will effect a great deal of good to the poor tenants of the class I have in view.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): May I, with great respect to the hon. Member for North Donegal, say that I think this Amendment is one which has no reference to the clause before the Committee? It is a general Amendment of the Land Act of 1881, and I think it would be absolutely impossible for this House to get through the work that is to be done if we are to deal not only with questions within the scope of the present Bill, but also with Amendments which hon. Members consider improvements upon the Act of 1881. I beg the hon. Gentleman to consider the time of the House, and venture to express a hope that he will withdraw his Amendment, which, as I have said, has no special reference to the present clause.

MR. LEA (Londonderry, S.): I rise to support the Amendment of the hon. Member for North Donegal (Mr. O'Doherty). The matter which he has called attention to is one of very great importance. I know that many applications made under the Act of 1881 were dismissed by the Court on very trifling points. I have been informed of the case of a tenant who had been paying rent to the landlord for 12 years, but regarding whom the Court decided that it was impossible for him to proceed, because when he came into Court he had not taken out letters of administration.

Question put.

The Committee *divided*:—Ayes 119; Noes 142: Majority 23.—(Div. List, No. 322.) [8.48 P.M.]

MR. SHAW LEFEVRE (Bradford, Central): My object in moving the Amendment standing in my name is for the purpose, in the first place, of endeavouring, if possible, to prevent the undue employment of Special Commissioners under the Act, and, on the other hand, to relieve landlords and tenants of the cost of litigating questions of rent. If the clause remains as at present, there will be an immense rush of leaseholders to the Court. We are told that the number of leaseholders in Ireland is 120,000, and I believe that something like two-thirds of these will be in a position to go into Court for the purpose of obtaining judicial rents—that is to say, that it is probable that 80,000 will apply. So far as I can ascertain, two-thirds of the whole number will be paying rent under £50 a-year, and it is especially with reference to that class that I make my present proposal. It is clear that, as I have said, there will be an immense rush to the Court, and I need hardly point out to the Committee that the cost to the State, as well as the cost of litigating, both to the landlords and tenants, will be very great. I have been told that each Sub-Commission Court, consisting of three members, costs from £3,000 to £5,000 a-year, and that they are able to get through about 1,300 cases in the year. It is obvious, then, that there will be required about 30 Courts sitting for two years for the purpose of clearing away all the business that has to be done, and that the cost to the State will be something like

£150,000 a-year during that period, besides which there is the cost of litigation to the landlords and tenants. My proposal is to avoid this great cost if possible. I can quite conceive that when the Land Act of 1881 was passed it was absolutely necessary that all the tenants should go into Court for the purpose of obtaining a judicial rent, because at that time there was no standard of value which could be used; but we are not now in that position, because we have a certain standard which I think can be applied by the Court. If that standard could be so applied it would not be necessary for tenants to go into Court, unless the parties went there by way of appeal, and the probability is it would be found that there was no necessity for going into Court at all. My proposal is that on the tenant making application for a judicial rent under this clause it should be the duty of the Court, in the first place, to determine in a provisional manner the rent as between the landlord and the tenant by a standard of valuation up to £50 a-year, determined by the Land Commission. It would be open to every landlord and tenant afterwards within six months to appeal against the decision; and the Appeal Court would set about hearing the case in the same manner as under the Act of 1881 in the case of appeals from the Civil Bill Court. It is my belief, if this proposal were adopted in the case of the smaller leaseholders, that a very small proportion of them would appeal from the provisional determination of the Court, the result of which would be the saving of a large sum of money. In support of this proposal I would point out that while it could be carried out without any cost to the parties it would inflict no hardship on either of them, because they would be able to appeal in case of dissatisfaction with the previous decision of the Court. Supposing that in the Province of Ulster the leaseholders were rented at 10 per cent above Griffith's valuation, then on application to the Court, if the Commissioners found that the average rents determined by them in other cases, and in respect of tenancies under £50 a-year, were 10 per cent below Griffith's valuation, then in the particular case before them the Commissioners would provisionally determine the rent to be 10 per cent below that valuation; but if objection were raised, appeal could be made to the Court, and the proceedings would take place as if no provisional decision had been come to. I am appalled at the probable expense which this clause may cause to the State by the multiplication of special Commissioners, and I think it would be in the interest of all to avoid that expense, and still more to the interest of tenant and landlord that they should be saved the great cost of litigation which will be otherwise incurred. I do not know whether this is the best form in which my object could be carried out. If it be not, I shall be glad to accept any modification from the Government, because my Amendment is moved out of no hostility to the Bill, but simply for the purpose of saving money to the State and the parties concerned.

Amendment proposed,

In page 2, line 11, at end, add—"Provided also, that where an application is made under this section for a judicial rent by any tenant holding under a lease within the meaning of this Clause, and whose holding is valued under the Poor Law valuation at the annual value of fifty pounds and under, the Land Commission, after notice to the lessor, but without hearing any evidence as to the value of the land from either lessor or lessee, shall provisionally fix the rent for the holding at the average rate, with reference to the Poor Law valuation, at which the rents of other holdings within the same province, of the Poor Law valuation of fifty pounds and under, have been finally fixed by the Commission during the twelve months preceding such application, provided that if within two months after such provisional determination of the rent either the lessor or the lessee shall appeal against it, the Commission shall hear and determine such appeal, without reference to their previous determination, in the manner provided for appeals from the Civil Bill Court under section forty-seven of the Irish Land Act, 1881: provided also, that if no such appeal be made, the rent so provisionally fixed shall be the judicial rent of the holding."—(*Mr. Shaw Lefevre.*)

Question proposed, "That those words be there added."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I fully recognize that the Amendment of the right hon. Gentleman is brought forward solely with the view to facilitate the proceedings, and to save the expense of all concerned in the fixing of a fair rent. At the same time, I think I can show that there are certain objections to the proposal which ought to prevent the Committee accepting the Amendment, even if it were considerably modified. It is quite clear that the fall in prices, which is the prime cause and reason why we are legislating with regard to leaseholders, has affected the various classes of holdings very differently, so that a reduction on a rich grass farm might be excessive which would be inadequate in the case of a small agricultural holding. Then I have another objection to the Amendment, which I think the right hon. Gentleman will feel to have great weight. He proposes to have a different mode of settling valuations as between leases and tenancies from year to year. I do not think you can set side by side the two systems of fixing fair rents, because it would lead to much dissatisfaction and heartburning, and I conceive we should thereby be establishing an inequality which the Committee ought to be slow to create. The Amendment proposes a different system for holdings under £50 and holdings above £50. One evil which the right hon. Gentleman seeks to avoid is the block of Business which he thinks would take place. I do not believe that there would be that tremendous block which arose under the Act of 1881, and even if there were we have a clause in this Bill which did not exist in the other Act, and which would largely meet that difficulty. I point out that the right hon. Gentleman, in his desire to avoid a block in the Commissioners' Court, has forgotten the block that may arise in the Court of Appeal. Now, if there should be a block in the Courts, there is power, if necessary, to appoint additional Sub-Commissioners; but if the Court of Appeal is overworked you cannot meet that difficulty without legislation. I think the arguments I have laid before the Committee are sufficient to make us reject the Amendment of the right hon. Gentleman. If that Amendment were carried it would practically sweep away and render nugatory the action of the Commissioners, throwing the whole weight of future decisions on some general principle arrived at in the past, subject only to appeal to the Court. Therefore, I hope the right hon. Gentleman, having the best intentions with regard to the clause, will not think it necessary to press his Amendment.

MR. MAHONY (Meath, N.): I acknowledge that the right hon. Gentleman has pointed out a great objection to the clause as it stands; but I ask him to consider not the words of the clause, but the spirit of the Amendment, which I think is a very reasonable one. The first objection of the right hon. Gentleman was on the ground of the vast area involved. I admit that it would be impossible to leave the Commissioners to deal, as is proposed, with the case of all the Provinces in Ireland. The next objection is that there would be two modes of fixing rent, one for tenancies under £50 and another for tenancies above £50 valuation. But I point out that that difficulty might be met by including all tenancies. I would suggest for the right hon. Gentleman's consideration that the Amendment should merely be used to fix rent in a rough and ready manner in the first instance, and that if either party were dissatisfied with the rent so fixed they should then go in the ordinary way before the Sub-Commissioners. Now, the right hon. Gentleman stated that there was no block in the Court of Sub-Commissioners in 1881. That is one of the most absurd statements I ever heard in this House. Anyone who knows anything about the working of the Act of 1881 must know that there was a terrible block in the Land Court, and that in the year 1884 we were still engaged hearing cases that were listed on the day the Court first sat, and that some of the rents which were fixed in 1884 had to date back to the first sitting of the Court. A very large body of Assistant Commissioners were appointed in consequence of the great block in the Courts. Now, I want to call the attention of the Committee to one of the results of that block. The Chief Commissioners, I think, incurred very great responsibility in what they did in this matter. They pressed the Sub-Commissioners to hasten on their decisions, and to get through as many cases as possible; and the consequence of that, in many instances, was that the Sub-Commissioners used improper hurry to get over the cases. Each month there was a Circular sent round to the Sub-Commissioners giving the number of cases of rents fixed by the Sub-Commissioners during the previous month. The object obviously was to get up a competition between the different Commissioners. Naturally the Assistant Commissioners were anxious to get on with their work, knowing that a great deal of favour was depending on their making rapid progress. The consequence of that Circular being sent round each month was, as I say, the establishment of a sort of competition between the different Sub-Commissioners. I am speaking of what I know; that there was competition amongst the Sub-Commissioners I know for a fact; and I also know for a fact that wherever any Sub-Commissioner fell short of the average of the cases he disposed of, the Chief Commissioners at once directed an inquiry to be made as to why he had so fallen short of the requisite number of cases. Well, Sir, nothing to my mind can be more calculated to destroy the proper working of the cases by the Sub-Commissioners than the action taken by the Chief Commissioners. A very difficult and delicate set of cases were set before us, and yet we had to go through them hurry scurry as fast as we could. Speed was the great consideration. If we did not complete the average number of cases we had to give a reason for it. The result of that, no doubt, was that a great many cases were hurried through unreasonably and improperly, and that in some instances the work was done in a very miserable manner. Now, what would be the effect of this proposal? If you take an area, or rather leave it to the Chief Commissioners to choose an area, they would naturally choose one where they would meet with cases of a similar character. They would fix an area where all the rents could be dealt with upon a Government valuation, approximating to rents fixed there during the past 12 months; but if my suggestion were adopted, either the landlord or the tenant would have a perfect right to go before the Court of the Sub-Commission in the ordinary way if he did not like to have the rent fixed in what I call a rough and ready manner. No injury would then be done to anybody; but there can be no question that in a very large number of cases both parties would be satisfied with the result; so that in a large number of cases, by the adoption of this proposition, you would save the necessity of further inquiry. You would get a large number of landlords and a large number of tenants to agree to arrangements, and save still further large expense to the country. I think I have met all the objections which were urged by the right hon. Gentleman the Chief Secretary. I am not supporting the Amendment in its present form, but I am merely suggesting that it is worth while for the Government to consider the spirit of the Amendment, from which I think they might evolve a proposal of great importance.

Mr. LEA (Londonderry, S.): I wish to say a word with regard to what has fallen from the hon. Member for North Meath (Mr. Mahony). He has stated that one great objection to the Amendment is that the Court of Appeal would be blocked, and then he suggested, I think, that the two parties should be allowed to go before the Sub-Commission if they choose. That, I think, is his proposal. Well, it seems to me that that proposal does not advance us at this time. If the two parties like they can enter into an agreement at the present time, and can have the agreement registered in Court, when it has all the effect of a judicial lease. It seems to me that that is all that is required; and that is the law at the present time. To give the parties power to go before the Sub-Commission does not seem to me to advance us a single step—we simply remain where we were. I feel obliged to the hon. Member for moving the Amendment. It is one which has often been discussed, but it seems to me that it is one of those things which, whilst they must always secure sympathy, are always difficult to carry out. I would ask him not to attempt anything which would have the effect of blocking the Sub-Commission. I was glad to hear the right hon. Gentleman the Chief Secretary say that Clause 19 will not be pressed. The proposal before the Committee seems rather impracticable; even if amended, as proposed by the hon. Member for North Meath, it would not enable us to advance beyond the present state of the law.

Mr. CHANCE (Kilkenny, S.): The hon. Member for South Londonderry (Mr. Lea) has overlooked the most important part of the clause. I do not defend the clause as it is drawn. There is no equity in giving this relief to large tenants, while you deny it to small tenants. What does the clause propose? Why, that the Land Commission shall with rapidity fix a certain rent by a rough and ready method, striking as near to what they believe to be a fair rent as they can, having regard to the locality and to the rents fixed in the locality, and thus it says that there shall be a rent proposed and power given to either party to go to the Sub-Commission to have that rent altered. Now, the effect of that proposal would be this. Whereas to the present hour after three or four years of the working of the Land Act 1881, a tenant comes into Court, perhaps suffering from a rent 50 per cent too high, and makes an application, is listed, is kept two years upon the list, until the rent is fixed; and then what happens? He is liable to be required to pay his rent rapidly, and he may easily lose all right of redemption before his case comes into Court. That is a most serious grievance. I know that under the Land Act of 1881 power was given to the Superior Court to stay proceedings for ejectment pending the decision of a fair rent. These powers were hardly used, and in the Court of Common Pleas, which seemed to be the favourite tribunal of the landlords, as they took most of their cases to it, it was said that the legislature were not going to take away the rights of the landlords by a side wind. What will happen here pending the final hearing—the real hearing of the case by the Land Commissioners? The old rent will have disappeared, and a new rent, which will be very much nearer the true rent than the old one, will have been substituted for it. The tenant will be in a position to pay this rent; he will not be evicted. You will save all the heart burning and trouble following upon evictions, and in very many cases, where the rent which is fixed by this automatic method is brought before the Sub-Commission, you will have prevented the exorbitant rent having been exacted during the hearing of the case. But the clause will do more than that. We cannot assume that the Land Commission are in every case to be wrong. We must assume that in many cases that automatic system will be found satisfactory to both landlord and tenant. They will know that if they go before the Court it will be necessary for them to gather together their valuers and witnesses, and they will think it wiser—even where the tenant thinks his rent a few shillings too high—he will be prepared to pay those few shillings rather than go to the expense and trouble of appearing before the Court. By the adoption of this system you would cut off a prolific source of evictions, and you would get rid of 50 per cent of the cases. You would relieve the Court, and let the Committee recollect that, taking the amounts of the reduction of rents by the Land Commission, and taking the cost of the Land Commission, it is no exaggeration to say that for every pound taken off the rent of the Irish tenants the taxpayers of this country have been charged a pound for the operation. I would submit that 12 months is too long a period of time to go back, and that rents fixed more recently ought to be considered. I would also strongly urge that all the small tenants should be included. But with all these modifications I do not see why the Government should not ask the right hon. Gentleman the Member for Central Bradford who has proposed the Amendment (Mr. Shaw Lefevre) to withdraw it, and why they should not say they would favourably consider a scheme by which they could get rid of 50 per cent of the work of the Courts.

Sir JOSEPH M'KENNA (Monaghan, S.): I hope the Government will give the promise which the hon. Gentleman has spoken of, for I believe if they do they will save 50 per cent of the cases which would otherwise come before the Courts. I venture to say that anyone knowing anything of the course pursued by the Sub-Commissioners will be able to tell within 5 per cent what rent will be fixed when he knows what rents have been fixed previously, and what the Poor Law valuation is. What I would propose would be something shorter than the proposal of the right hon. Gentleman. It would be that all classes of tenants who are now free to come, or would be free to come into Court, should have, in the first instance, prescribed for them by some competent authority what the rent should be. They should be governed by arithmetical considerations, they should know something about land valuation, and should consider the rent that the tenant has paid. All these considerations would enable a *primâ facie* rent to be made out, and then they could say to the parties—"You can either take or leave." The parties could take the matter into Court then if they liked. I believe that fully one-half, probably two-thirds, of the cases would disappear when the tenants came to consider that they had got, as probably they would get, a fair and substantial reduction from the old rent which they had been previously familiar with, and the landlords, I believe, would be likely to say—"The rents will have to be reduced; we know the worst, and we will accept that arrangement." I believe that would promote peace more than any other proposal which has been made, and I think the Irish Members are very much indebted to the right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre) for the trouble he has taken in endeavouring to improve this Amendment. Though, perhaps, there are none of us who agree with the Amendment as it stands, we are all for improving it on the principle which it embodies. I think we all look to the principle of the Amendment to guide us. I look upon this Amendment free from all predilection for either the tenant or the landlord class, and I say we must all be indebted to anyone who enables us in Ireland to arrive by a short cut at a preliminary settlement which would leave either side the option of coming and saying how much more or how much less than a certain amount they would agree to. I think that if some such clause as this were carried we should get the matter properly settled.

MR. SHAW LEFEVRE: Although the Government are not prepared to accept the Amendment in its present form, I am not altogether dissatisfied with the discussion which has taken place, because it is admitted by the Government that it is a serious question, and one which ought to be met, and that it is desirable to deal with it. With regard to the objections that are raised, they are not, I think, fundamental, and they are such as might be easily met by certain small alterations. For instance, I should be prepared to accept the suggestion that small local areas should be adopted rather than counties. I think also, if this method were adopted with regard to leaseholders, it ought also to be applied to small tenants, the tenants holding under a small amount of value under the Land Act of 1881. Then as to the question of the block of business in the Court of Appeal, that, I think, might be met by letting the question go by way of appeal in the first instance—by appeal to the Sub-Commissioners. With regard to the present situation, I believe the best course will be to withdraw the Amendment in its present form, and to place a new clause on the Paper, embodying the suggestions which have come from different quarters, and I trust the Government will consider the question in a favourable spirit. It appears to me that they have not quite taken into account the real import of this Amendment in respect of the very great cost of the Sub-Commissioners. My opinion is, that if it could be possible to adopt such a plan as this, the country would be saved many thousands of pounds, and both parties would be saved the trouble and expense of litigation, which is now a serious matter to them. It is on this account, in fact, that I have introduced the Amendment; and I cannot but think that if the noble Lord the Member for South Paddington (Lord Randolph Churchill) and other economists were present, I should receive their support on this occasion; as, however, they are absent, and as I cannot hope to be successful on a Division, it seems to me that my best course will be to withdraw the Amendment in order to modify it, and bring it up again at a later stage.

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): If the Amendment is put down for the Report stage the Government will consider it; but I must point out that there are grave objections to it on principle. With regard to the suggestion the right hon. Gentleman makes on the score of expense by going to a Court of First Instance, the expenses which would arise would be even more formidable in extent than those which arise at present before the Court of Appeal. It should be understood that the same kind of objections would arise to the Amendment on Report, and that unless he is able to modify it, so as to remove the objections which have been pointed out, it is not likely that he will receive the support of the Government.

Amendment, by leave, *withdrawn.*

MR. O'DOHERTY (Donegal, N.): I beg to move an Amendment to add at the end of the clause, on page 2, line 11, the following words:—

"Provided also, that in case of the lessee becoming a present tenant under this section, his lease shall not be deemed to have expired by the efflux of time nor shall the provisions of 'The Land Law (Ireland) Acts' with respect to improvements in the holding under an expired lease be applicable to such lessee."

This Amendment I have handed in in manuscript; but I think hon. Gentlemen representing Ireland have read it. I am called upon to discuss it in the presence of the Solicitor General, whose acquaintance with law in Ireland is probably equal to that of the Attorney General. Unless this Amendment is adopted, serious injustice will be done to leaseholders becoming present tenants under the Bill. My Amendment proposes that a lease shall not be deemed to have expired by efflux of time in which the tenant has applied under this section to be deemed a present tenant. The object will, of course, strike the two hon. and learned Gentlemen as dealing with the case provided for in the Act of 1870, where, at the expiration of the lease, the compensation which the Land Act gave was either appropriated altogether or cut down, or the presumption in respect of which was altered. Perhaps the best way to illustrate that is to draw the attention of the Committee to the sections of the Act of 1870 which deals with this matter. I ask the Committee to remember that the Court will undoubtedly hold those leases to have expired. They will hold the tenant coming into Court as a tenant coming in at the expiry of his lease within the meaning of the Land Law Acts. What will his position be if he comes in as the tenant whose lease is expired? Why, he will be robbed of all the improvements he has made under the lease which he has held, say, for 31 years. The houses he may have built will remain to him, and all reclamations of waste land; but beyond that, all his improvements, such as drains and fences, will pass to the landlord. [An hon. MEMBER: That will not apply to Ulster.] No, it will not apply to Ulster; because the Act of 1870 and the Act of 1881, read together with the practice of Ulster, has preserved all the tenant's improvements. We are perfectly safe in Ulster, no matter what words are put in here, whether the lease is an expired lease or not. I am, however, speaking for the other Provinces, and where the land may be dealt with in a different manner under expired leases. I adhered strictly in my Amendment to the case of a lessee becoming a present tenant, and his lease having expired. The grievance does not arise except in a case where there has been a lease. Now, as I say, it will be deemed that leaseholders who apply to become present tenants under this Statute have lost their leases by lapse of time when they apply to the Land Court to have a fair rent fixed under the sections of previous Acts. In the first place, if the tenant's lease contained a provision expressly prohibiting compensation, then he would get nothing. That case, I think, would scarcely arise, because, before the Land Act of 1870, no one dreamed of compensation, still there may be cases; but the second case is a common one, and will always arise under Sections 4 and 5 of the Act of 1870. It is provided in Sub-sections 2 and 3 of Section 4, that a leaseholder shall not be entitled to compensation for improvements unless it is specially set out in the lease that he is to be so entitled. That goes further in the case of leaseholders, because in Sub-section 2 of Section 5 it is provided that, in the cases of leases expiring, the tenants shall receive no compensation for ordinary improvements made by him during the lease, and that the presumption in the case of buildings and reclamations is that the lessee who goes into Court to have his rent fixed will have to pay rent on his own improvements. Under the case of "Adams *v.* Dunseath," the measure of the allowance to the tenant, and the only one of an allowance to the tenant, is the measure of the compensation he is entitled to under the Land Act of 1870. My Amendment only provides to meet the case in regard to other tenants—a special hardship which arises by reason of the Act to which I refer. You have said there are men labouring under rack-rents, and, after the passing of this Act, they should apply to be admitted to the benefits of the land legislation of the country. But what will those tenants be able to say? Why, that you give with one hand, and that you take away with the other, for the reason that they are to lose every fence, and every drain, and every improvemant they have effected on the holding, except the house in which they live. And even in the case of dwellings, they will have to go and prove the improvements, which is not the case with regard to tenants from year to year. As I understand the policy of the Government—and I should be glad to see them take an interest in this matter, and to hear from them something to show that they appreciate the point which is raised—as I understand the policy of the Government, it is to prevent injustice being done to the leaseholders. Surely, then, they should protect them from the injustice of losing the value of the improvements they have effected during the operation of their leases. Those men are liable to be robbed and plundered to the full extent of their improvements; they are liable not only to be deprived of their improvements, but, under the sections I have quoted, they are actually liable to pay rent upon them. I have deliberately confined myself strictly to the case of lessees. It will be impossible for us to pass out of this Committee, and to return to the tenants of Ireland, unless we have dealt with this case of "Adams *v.* Dunseath" before we leave the subject. I declare that no iniquity was ever perpetrated by a tyrant equal to the result of the decision in the case of "Adams *v.* Dunseath." Dealing with the Land Act of 1881, and with the disastrous case of "Adams *v.* Dunseath," it is impossible to leave this Committee without making provision for those who are being daily and hourly plundered. Everyone who is emancipated under this Act will be subjected to the effect of the decision in the case of "Adams *v.* Dunseath." I want the Committee to observe the policy which the Government ask us to understand is the policy that they wish to observe—namely, that the same privilege should be extended to leaseholders as are possessed by tenants from year to year. I submit that the Government are bound to support me, though, if I am wrong in anything that I have stated, or if I have overstated anything, I should be glad to be corrected, and shall at once acknowledge any correction.

Amendment proposed,

In page 2, line 11, at end, to add—"Provided also, that in the case of the lessee becoming a present tenant under this section, his lease shall not be deemed to have expired by efflux of time, nor shall the provisions of the Land Law (Ireland) Acts with respect to improvements on the holding under an expired lease be applicable to such lessee."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): As I understand it, the Amendment now moved, if accepted, would be contradictory to the decision already arrived at by the Committee. I would point out to the hon. Member that, so far as I understand the question, a decision upon it has already been arrived at. It has been decided that those who claim under the Act of 1881 shall be subject to the provisions of that Act. The Act of 1881 provided that leases for a limited period should, on the expiry of those leases, be altered into present tenancies; and I would call attention to the fact that the present tenancy created by the Act of the right hon. Gentleman opposite is not a matter which depends on the choice of the landlord and tenant in their contract, but is an asset, and property resident in the tenant which comes into existence when the lease drops, but which is a property before. A present tenancy which comes into active existence at the expiration of the lease is, in reality, a continuance of the lease. As I understand it, the purport of the Amendment which we ask the Committee to accept is a generous extension of the Land Act of 1881; and it is intended to provide that a continuous tenancy shall extend not only to the 60 years' lessee, but to the 99 years' lessee; and we say that those lessees, for the purposes of the Act, should be dealt with in the same way as when a lease expires. I would draw the attention of the hon. Member to the words of Section 21 all through this matter, and they are very remarkable. The words which frequently appear are, "deemed to be." They are not an alteration so much of the abstract legal quality, but a legislative Proviso that the tenant is to be "deemed" to be a present tenant, and to be deemed to have certain rights. It is not stated that he is to be so deemed in regard to abstract questions. What I meant by saying that I think the Amendment of the hon. Gentleman is contradictory to what the Committee has already decided is this—I understand the Committee to have decided that in the case of a 60 or 99 years' lease, a tenant may have elected to be put in the position of a tenant holding under an expired lease of the Act of 1881. What the hon. Gentleman now proposes is, that this particular class of tenants who come for the first time in existence under this Act of Parliament, are to be in a wholly different position as compared with their brother tenants, who hold under an actually expired lease, and who come within the very letter and spirit of the Act of 1881. If the hon. Member's view of the law is well founded, he proposes to leave men who come within the letter and spirit of the Act of 1881 in a worse position than those who come within the present clause—those to whom we propose to apply the benefits of Section 21. That appears to me to be a very serious matter for the Committee to undertake; and, as I said a minute ago, I do not adopt the view of the law suggested by the hon. Member. I understand that view of the law to be this—that on looking at the present tenancy, which for the purpose of Section 21 is a continuance of the old tenancy, you are to look at it as if it were governed by the laws which relate to the right of compensation. I deny that you are to do that.

MR. T. M. HEALY: That is not my hon. Friend's argument at all.

MR. GIBSON: Allow me to entertain my own opinion upon the matter, which is of some little value to myself, at all events. Without in the least disparaging the knowledge or fairness of the hon. Gentleman opposite, I wish to present my own view. It occurs to me that the hon. Member opposite has not quite correctly interpreted the decision in the case of "Adams *v.* Dunseath." So far as I am aware, it was never suggested on any principle to apply it to a case under Section 21. The question as to Section 21 was very fully discussed in a case I argued myself in a Court of Appeal——

MR. MAURICE HEALY: Was the case one of a tenant for life?

MR. GIBSON: Yes; and it was then held that where a man was lessee for his own life, still he came within the Act of Parliament, and was a present tenant for the first time the day after he was buried. That was a very curious state of law. The principle held was that a present tenancy of a prospective character was actually in the tenant at the moment of his death for the benefit of his next of kin. I think the view of the hon. Gentleman is founded on a rather narrow construction of what should be the rights of the tenant, if you are making a claim under the Land Act for compensation for improvements after he had broken his lease and become a present tenant. I would remind the hon. Member of the great danger and inconvenience of raising sweeping Amendments of this character relating to the Act of 1881. I do not say that those Amendments may not be necessary to be considered at some other time, if hon. Members think there is any substance in them; but, at the present moment, it appears to me that this proposal is inconsistent with the decision which the Committee has already arrived at. It is not relevant to the Bill. It might be relevant to Section 8 of the Act of 1881; but my contention is this—first, that the Amendment appears to be inconsistent with a previous decision of the Committee; next, I say that if well founded, it shows that those tenants who are now brought within Section 21 are to have a greater measure of right than is granted to tenants at present falling within that section—I mean tenants who fall within Section 21, before the passing of this measure. Next I say that his propositions of law appear to me to be founded on a mistake. I certainly would recommend the hon. Member if he will allow me to offer him advice, not to press the Amendment, but to allow the Bill, which is already sufficiently overloaded, to remain as it is, and to allow us to proceed with the Amendments on the Paper. There are various important provisions to be considered, and I would urge him to allow us to proceed with the consideration of those matters, so that we may have some prospect of coming to a conclusion of our labours within the limited time at our disposal. There will have to be a great amount of concession made one way or the other, and I think the hon. Gentleman should rest satisfied with the knowledge that that is to be the case, and should not proceed in a course which is likely to bring about serious delay to the great disadvantage of the Bill.

MR. CHANCE (Kilkenny, S.): The Amendment we are discussing seems to be a very simple one, and though I have no doubt many Members of the Committee enjoyed the able statement, and the arguments of the Attorney General for Ireland, yet it seems to me that all his arguments are beside the question, and are more calculated to obscure the real question at issue, as all legal arguments do, rather than to render it clear.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. CHANCE, resuming: The position is simply this—by the Land Act of 1870, general provision was made for the payment of compensation to tenants at the termination of their tenancies, whether on the termination of their leases, or by the act of their landlords; but, unhappily, the provision was accompanied by limitations which are adverse to leaseholders of a certain description. The general provision giving compensation is, in the case of leaseholders, cut down by excluding leaseholders from all right for compensation under certain limitations. By the Act of 1881 leases terminating in 60 years are dealt with. Tenants at the expiration of those leases are to become present tenants, and still the disabilities contained in the Act of 1870 hung over them. They are still unable to receive compensation for a certain class of improvements. By the first clause of the Bill before us, it is proposed that lessees shall be entitled to come before the Court in order to break their leases, and to have a fair rent fixed. If they do that all the improvements for obtaining compensation for which they have been excluded by the Acts of 1870 and 1881 will be deemed to be improvements of the landlords. The lessees, therefore, in getting a fair rent fixed will be rented for their improvements themselves. There is one objection raised to the Amendment. It is said that the Amendment may be a reasonable one, applied to tenants coming now to have their leases broken; because, undoubtedly, it puts them into the same position which the Act of 1881 already puts tenants from year to year. But the right hon. and learned Gentleman the Attorney General for Ireland says that which amounts to this—that because there are tenants now holding under leases who are satisfied with their leases and prefer to remain under them instead of coming into Court, therefore we must continue a defective state of the law which enables tenants to be taxed for the improvements they have made and paid for out of their own pockets. That seems to me to be a fair statement of the case; but I think it is one which will not recommend itself to the Committee at large. The Committee is asked, by rejecting this Amendment, to continue the horrible principle of taxing industrious tenants for their own improvements. The Committee is asked to declare that the rent, which is fair for the thriftless tenant, is too low for the improving tenant; because he has made improvements for which the law gives him no compensation. That is a ridiculous state of affairs, and is directly pointed against industrious tenants—the class the Government are always telling us they desire to protect. The system the Government are desirous of maintaining is a system which can be advantageous to no one but the landlords, who say that they do not want to obtain that which does not properly belong to them. I trust the Committee will insist upon putting tenants who break their leases in the same position as those tenants who hold from year to year are put in.

Mr. MAC NEILL (Donegal, S.): I hope the Government will accept this Amendment. These improvements must be considered to be improvements as defined in the Act of 1870. If this clause be accepted without the Amendment, the leaseholder who breaks a lease will be taxed simply on the produce of his own labour, and the Government will be taking away with one hand what they give with the other. Clearly if this Amendment be not accepted, the benefit of this Act must be withheld from those who would otherwise take advantage, of its provisions, and I can well understand that it would be much better for a leaseholder to hold to his lease than to break it, and avail himself of the advantages of this Act. The question of the presumption in favour of improvements is dealt with in the 4th and 5th sections of the Act of 1870, and the provisions of the law, as it at present stands, must be considered and incorporated in this Bill. Let me take one of these sections only in which this is held to be the law—namely, that wherever there are improvements made in a tenancy held under a lease, the tenant himself is under the obligation of proving that the improvements were made by himself. It is within the knowledge of hon. Gentlemen on both sides of the House that improvements in the land of

Ireland have been altogether the work of the tenant, therefore see what great injustice this section works. The Act of 1870 did not acknowledge co-ownership in the soil, but went on the presumption that the landlord was the owner, and that if the landlord intended to exercise to the utmost his territorial rights, none of which were taken from him, then he should pay for that exercise; but still, that even when he was compelled to pay compensation, he was only acting in pursuance of his strict right. This is only the preparatory step—see what you are doing; in allowing leases to be broken, you acknowledge that these contracts must have been made under some circumstances which you think inequitable on one side or the other. I will not weary the Committee by going through the elaborate provisions of the Act of 1870, which were designed to take away from the tenant the value of his own labour, and which must be incorporated into this Act. But on all these grounds I ask whether it is fair or reasonable that the tenant should be deprived of the fruits of his labour, and not only so, but mulcted for his industry—made to pay rent for being industrious? If he had been an improvident and careless man he would not have been thus taxed; in fact, a premium is placed upon idleness. Now that there is co-ownership in land in Ireland, now that this Bill has been introduced for the benefit of the tenant, now that the provisions under leases have been held to be inequitable, and now that it is the special aim of the Government to root the tenant in the soil, I submit in the interests of justice that this small concession should be made, and that leaseholders should be placed in precisely the same condition as tenants from year to year.

MR. MOLLOY (King's Co., Birr): Mr. Courtney, we seem to have been carrying on during the last half hour a highly techinical conversation — [Mr. GIBSON: Hear, hear!] — and I am bound to say that the right hon. and learned Gentleman was the most technical of all. The right hon. and learned Gentleman gave us a learned dissertation, just as if he were addressing a Court of Appeal in Ireland. I think we may fairly throw aside all technical matters, and look at what is the intention of the Government in this matter. A certain number of leaseholders are to have their leases broken, and they are to become present tenants, for the purpose of having fair rents fixed. It has been shown that a certain number of improvements would become the landlords', and that in the fixing of a fair rent there could be added, in the shape of rent, or new rent, what should not be added. The Attorney General for Ireland endeavoured to show that these improvements should be added. What does it amount to? You are going to fix a fair rent. Let us suppose, therefore, that the Land Commissioners, after hearing the case, decided upon fixing a fair rent; let us say that a fair rent is £10. That is a fair rent according to the Commissioners, and that is what the Government say the tenant ought to be asked to pay. Then the contention of the Attorney General for Ireland amounts to this, that there is something else to be added to the fair rent on account of a certain class of improvements. Do you not see that if you added to the £10, which is the fair rent, another £5 on account of these improvements, which are not really the landlords' improvements, but which we will suppose are—if you add to the fair rent of £10 a further £5 on account of improvements, or on account of any other excuse you may make, you are not fixing a fair rent, but an unfair rent, and the whole object the Government have in view in breaking the lease for the purpose of fixing a fair rent is entirely destroyed. Either one of two things must happen. Either the Land Commissioners, when they are fixing the rent, must take into consideration the addition you are about to compel them to make, or else they must fix that which would be a fair rent, and add something to it which would make it an unfair rent. The right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour)—who certainly, as far as I am able to judge, is endeavouring to meet the views of everybody in this matter, and bring the Bill within the four corners of the intentions of the Government—will see the force of the argument I have advanced. I have tried to divest the matter of all the technicalities introduced, and to point out that it is really and simply a question whether or not this certain class of leaseholders shall have a fair rent fixed for them, or whether the rent shall be an unfair rent, and consequently of no value to them.

Mr. MAURICE HEALY (Cork): I agree with my hon. Friend the Member for the Birr Division of King's Co. (Mr. Molloy), that the net question which this Amendment raises is a question whether or not, in fixing the fair rent, the tenant shall get the benefit of the improvements he has himself made; and I am sorry that, instead of addressing himself to that point—which is, I think, the substantial point raised by this Amendment—the Attorney General for Ireland should have contented himself with making what I may call a *Nisi Prius* point. As to the correctness of the right hon. and learned Gentleman's point, I am disposed to agree with him. I think he is right in saying that this Amendment, if accepted, would make a distinction between one class of leaseholders, who permit their leases to expire by time, and leaseholders who take the benefit of this clause, and go into Court for the purpose of having their leases broken. But I cannot think that the number of leaseholders who will take the former course, and, in face of the benefits this clause confers upon them, will choose to let their leases run out, will be very great, and I think that, in itself, is a sufficient answer to the point made by the Attorney General for Ireland. I do wish that instead of making a point of this kind, and instead of arguing the matter in the highly technical spirit in which he did, the right hon. and learned Gentleman had endeavoured to enlighten us as to what the real views of the Government are on this important question of tenants' improvements. I do ask that, whether the Government accept this Amendment or not, we shall have some declaration from the Government on the question of tenants' improvements. There is no question in the whole scope of the Land Act which is more important, and it is simply idle to suggest that any better opportunity can ever be found for discussing and deciding the question than that which is now afforded.

The CHAIRMAN: It would be irregular to go into that general question on the Amendment to the clause.

Mr. MAURICE HEALY: I assure you, Sir, I have no intention of discussing the general question, save so far as it is strictly relevant to the matter before the Committee. The point made, as I understand it, by my hon. Friend the Member for North Donegal (Mr. O'Doherty) is, that leaseholders suffer a special grievance, and for that reason leaseholders think it right to press this Amendment to the 1st clause of this Bill, which is a leaseholders' clause. If I may say it with respect, Sir, I think you are quite right in the ruling you have laid down; but let me say that there is a larger question than any question which can be discussed in relation to this clause. It cannot be denied that with regard to this clause, and strictly relevant to it, the question referred to by my hon. Friend (Mr. Molloy) arises—namely, how is the Land Court in Ireland to proceed, when they are fixing the rents of the tenants who will be admitted to the benefits of the Land Act under this particular clause of this Bill? I hope the Government will see their way to give us some declaration of opinion on this point. The right hon. and learned Gentleman the Attorney General for Ireland did not presume to contest that the decision in the case of "Adams *v.* Dunseath" inflicted very grave injury on the Irish tenants. He did not attempt to contest that the decision of the majority of the Court in that case was come to in the face of the declarations of the right hon. and learned Gentleman who had charge of the Land Bill, when it was passing through this House, and one of whom, Mr. Law, presided in the Court of Appeal in Ireland when the decision was come to, and assented to the decision of the majority of the Court. Under these circumstances, I ask if we may have from the Government some declaration of what their policy on this important point is. It may be said that the whole question can be more properly raised on a new clause which would deal with a general Amendment in respect to tenants' improvements, and I am not disposed to question that proposition; but I do think that when the issue was distinctly placed before the Committee the right hon. and learned Gentleman (Mr. Gibson) might very well have dealt with the broad general question, rather than with the narrow technical issue to which he confined his remarks. I sincerely trust we shall have some declaration of policy from the Government on this important point.

Question put, and *negatived.*

Clause 1, as amended, *agreed to.*

Clause 2 (Judicial rent may commence on date of application to the Court).

MR. JOHN MORLEY (Newcastle-upon-Tyne): The Amendment I have to move—[Mr. A. J. BALFOUR: Agreed.] If the right hon. Gentleman agrees to it, I need not say anything in explanation.

Amendment proposed, in page 2, line 13, leave out the words "may, if they think fit," and insert the words "shall."—(*Mr. John Morley.*)

Question, "That the words proposed, to be left out stand part of the Clause," put, and *negatived.*

Question, "That the word 'shall' be there inserted," put, and *agreed to.*

MR. FINUCANE (Limerick, E.): I hope the Committee will adopt the Amendment which stands in my name, which is to leave out the word "after" in line 15, and insert the word "preceding." This Amendment relates to the date upon which fair rent shall take effect. Let us assume that the original notice is served on the 10th of May, and the fair rent fixed on the 1st of June following. According to this clause of the Bill, the tenant would not get the benefit of the reduced rent until the May of the year following, nearly eleven months after the time at which the fair rent was fixed. I think this is manifestly unfair, and my Amendment would enable the tenant, in the case I have put before the Committee, to demand that the reduced rent should be taken by the landlord on the following gale day, that is, on the first of the November following the fixing of the rent. I hope the Committee will adopt this Amendment; if not, tenants will be obliged to pay the old rent for some months after the fair rent has been fixed.

Amendment proposed, in page 2, line 15, to leave out the word "after" and insert the word "preceding."—(*Mr. Finucane.*)

Question proposed, "That the word 'after' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The present state of the law under the Act of 1881, is that judicial rent commences to run from the gale day next following the decision of the Court. It was proposed by hon. Members below the Gangway that the rule laid down in the Act of 1881 should be modified, so as to make the judicial rent run, not from the gale day next following the decision of the Court, but from the gale day next following the application, because very often after application, and without any fault or delay on the part of the tenant, the decision of the Court might not be given for upwards of a year, so that the result would be that the judicial rent would not be able to run until after a very protracted delay had taken place. It was proposed by hon. Gentlemen below the Gangway more than once—certainly with great vigour in 1883—that the law should be changed so that the tenant should not be prejudiced by a delay which was a delay of the Court which was not attributable to him, that when the tenant had shown zeal and earnestness in prosecuting his demand the rent should commence from the gale day next following his application to the Court. Now, the Government have adopted that view, and have made the judicial rent, the reduced rent commence on the gale day next following the application. What is now proposed by the hon. Member (Mr. Finucane) is that the judicial rent should run from the gale day next before the application. In other words, that the principle of retrospective legislation should be applied to the proceedings under the Land Act of 1881. There are a number of Amendments which appear to relate in a greater or less extent to the same principle. This is the first Amendment of the kind. The next Amendment is one of a similar character; but I will not discuss it; it is sufficient to say that this measure of relief that we offer exactly corresponds with what was so earnestly asked for by hon. Members opposite in 1883. The proposal of the hon. Member (Mr. Finucane) certainly goes in the opinion of the Government beyond what is required.

MR. SEXTON (Belfast, W.): It may be quite true that the Amendment just moved goes a little further than any previous Amendment moved on the same subject; but why should not we move on as well as other people. The Government themselves have made great strides; they have progressed very considerably on this question, and I cannot understand why it should be supposed that the Irish Party should be the only Party stationary. [Mr. GIBSON: We do not want you to go back.] Neither do I attach much weight to the argument that this is an endeavour to make the Act retrospective, because the clause, as it stands, is retrospective. The right hon. and learned Gentleman cannot deny that under the clause, as it stands, the judgment of the Court, whenever it is made, will date back. We have known cases in Ireland where the Court did not adjudicate on the application of the tenant for a period of almost two years. What has happened in the past might happen in the future; therefore, it may follow that the judgment of the Court under this clause may date back. If it is delayed for one year it will give two gale days; but we want to make it a little more retrospective, and we think there is equity in favour of our proposal. The tenant makes an application to the Court; he pleads that his rent is excessive; but, through no fault of his own, the Court delays the hearing of his case. Whether the Court delays it or not, what we say is this, that once the tenant has brought his case within the cognizance of the Court, he ought to have the benefit of the judgment of the Court in respect to every gale payable after the lodging of his application. If the tenant make application in April, and his next gale is payable in September, and if the Court ultimately find his application is a just one and that the rent should be reduced, how can it be contended that it is right that he should pay the old rent in November? I claim that equity is with us in this matter, the clause is retrospective, and we only want to make it a little more retrospective to make it a little more equitable.

MR. DILLON (Mayo, E.): There is a consideration which ought to have great weight with the Committee, and which the Attorney General for Ireland entirely overlooked. The circumstances under which the Bill of 1881 was introduced and those under which this Bill is introduced are entirely different. The condition in which the tenants were in 1881 and the condition in which they are now are as different as it is possible for one thing to be different from another. We are face to face with this state of things in Ireland, that the tenants are sick with hope deferred. We have been asking for this relief for four or five years; but it has been denied to them, and now we hear hon. Members and Ministers of the Crown saying that they cannot, for the life of them, understand why Irish leaseholders were not admitted to the benefit of the Act seven years ago. In debating legislation of this kind we ought to have regard to the gross injustice done to these men. They have been held to unjust rents for seven years. Is it to be argued that we are bound by the precedent of previous Bills proposed five or six years ago? If you had consented to our Bill of 1883, and admitted leaseholders to the benefits of the fair-rent clause, it might have been considered that a clause which was slightly retrospective might suit the circumstances of the case; but when this justice has been denied until 1887, are we to have quoted against us the proposition we laid down in 1883? Nothing of the sort; on the contrary, in strict logic, we would be entitled to argue that the fixing of the fair rent should date back to the time that our Bill was introduced. It is perfectly fair, equitable, and just for us to ask greater retrospection in the Act based on the long delay, than we could reasonably have asked if the Act had been passed in 1884. I think there is a sound argument in favour of this retrospective provision; but I have another argument equally strong, but resting on a different basis. I find that Amendments have been put down to Clause 22 by some of those hon. Gentlemen who are supposed to be in the confidence of the Government, and whose Amendments will, no doubt, meet with a better reception than any Amendments we could put down. I am glad they have provided that a tenant in Ireland who is under ejectment for non-payment of rent, or who is under an action on the part of his landlord for the recovery of rent, is to have the right to appeal to the Court, and that when he makes his appeal, the Court is to be entitled to take cognizance not only of the rent falling due, but also is to have unlimited power of retrospection in regard to the arrears of rent. I hope this

Amendment will be accepted by the Government, because nothing else will bring peace to Ireland. The Court will have power to deal with arrears. Are we to be told that the same remedy which is to be offered to the tenant who cannot pay his rent, and who has an ejectment taken against him, shall be denied to the tenant who is struggling to pay his rent, and that all a man has to do who has got into arrear, and whose rent has been cut down by the Court, is to refuse to pay his rent until an action is taken against him, and then he will come under the retrospective action of the Court, and the Court will be able to review his arrears and to apply the same reduction to the arrears as they have already decided to apply to the future rent ? The only difference will be that if this Amendment is refused, the landlord will be kept out of his rent.

MR. T. W. RUSSELL (Tyrone, S): I quite admit the defence the Government have made; but there is a good deal to be said for the contention of hon. Gentlemen below the Gangway. It is acknowledged that the Irish leaseholders have been paying unjust rents. There is no reason, and I think the Government will be bound to admit that there is no reason, why the judicial rent should not date from the gale day preceding the application. I have been hard pressed by leaseholders to make this Act retrospective; I have resisted that, and have felt I was entitled to resist it; but I think this Amendment is one which the Government ought not to resist, seeing that the leaseholders have for the last five or six years been paying rents which are admittedly too high. Then take the ordinary tenant. I suppose this clause applies to the ordinary tenant as well as to leaseholders. What is his position ? If he gets his rent reduced, why should he pay an old rent which is admittedly a rack-rent—if it be reduced, why should he pay it for the preceding six months ? I am very unwilling to press the Government unduly; but I think that equity is all in favour of the Amendment of the hon. Member for East Limerick (Mr. Finucane), and I really think the Government ought to look into it and concede this very reasonable demand.

MR. MAURICE HEALY (Cork): The right hon. and learned Gentleman the Attorney General for Ireland (Mr. Gibson), in arguing against this Amendment, seems to have forgotton the institution in Ireland known as the hanging gale. If he takes that into consideration, it will make an enormous difference in the circumstances to which this Amendment applies. What is the hanging gale ? It is half-a-year's rent—practically, an irrecoverable half-year's rent—which nine out of every 10 tenants in Ireland have had hanging round their necks from time immemorial. It is half-a-year's rent which the landlord has never any intention of collecting. Let me call the attention of the Committee to the manner in which a hanging gale affects this Amendment. Take the present state of the law under which judicial rent does not begin to run until the gale day following the order of the Court. What this clause, as it stands, proposes is that judicial rent shall run from the gale day next following the date of the application. Let us suppose that a tenant makes an application in the month of February. I do not care for my purpose how soon, or how late, the order of the Court is made. My point under this clause is, what is the date of application to the Court ? Well, the application is made in February, and the next gale falls due on the 25th of March. It falls due after the date of the application, but, notwithstanding that, the tenant must go on paying on the basis of the old rent. But the rent which is paid by the tenant in March is the rent which fell due in the September previous; consequently, Sir, this happens—the tenant pays the March rent, and then the November rent day comes, and still, though his application was made in February, he will have to pay the rent which is due in the month of September on the old rent. So it will amount to this—that in nine cases out of every 10, notwithstanding the amendment in the law which this clause will make, the tenant must pay two gales of rent after the date of his application on the old rent. I challenge any hon. Gentleman to stand up and deny that that is the state of things. I challenge anyone to furnish a reason why such a state of things should be allowed to continue. And I ask the Government, as they are making concessions in this matter, to go the whole length of the justice of the case, and not preserve this monstrous state of things, which would be unjust if this hanging gale did not exist, but which is simply monstrous in view of the existence of the hanging gale.

Mr. CHANCE (Kilkenny, S.): The Amendment we are discussing will not make this clause in any degree retrospective. As the clause stands, nine out of every 10 tenants would, in spite of the clause, pay two gales at the old excessive rate in face of the judgment of the Court declaring it was an excessive rent. Now, I ask the Committee to recollect what happened in 1886, when the Crofters Act was passed. I ask them to recollect how Parliament treated the Scotch crofters on this very question. By the 6th section of the Crofters Act they dealt with this question, and they did not confine themselves to the rent which accrued at the time of the application, or subsequent to the date of the application. But, by the 5th sub-section, they directed the Crofter Commissioners, when an application was made to them to fix a fair rent, to take into account the amount of arrears, and to decide how the arrears should be paid. I ask the House to recollect what happened under that section. It is undoubted that under that section the Crofter Commissioners, in fixing fair rents for the crofters, have struck off 60 per cent of the arrears which were due. While you directed the Crofter Commissioners to go back as early as it chose—to go back to the very earliest days in which a penny of rent was due, and deal with that rent in a drastic manner—you decline to enable the Irish Court to go back to the date of the application. That is really all we ask; and I ask on the ground of consistency, and in face of the Government's own cry of equal justice to Ireland, that the Government will do for the Irish tenants what they have already done for the Scotch tenants.

Mr. EDWARD HARRINGTON Kerry, W.): I believe that if we had the advantage of the presence of a dozen Irish landlords on the Treasury Bench, we should find this Amendment accepted. It is not often we have a word of praise to say of the Irish landlords; but I think we should find them ready to do justice in a case of this kind. What will be the state of affairs? We shall have the Court pronouncing the decision that these leaseholders have been paying rent 20, 25, or perhaps 40 per cent above that they ought to have paid. They will, as pointed out by my hon. Friend (Mr. Maurice Healy), have actually to pay two gales of rent on the old basis before justice is allowed to take its course. I think that is a perfectly indefensible position for Her Majesty's Government to adopt. The object of this Amendment is that the landlord shall be obliged to take the rent at the reduced figure. Fancy the anomaly of the position. A tenant goes into Court, and his case may or may not be delayed. I maintain that if it is not delayed one hour in the Court, if on the very day his case is brought into Court it is possible to decide it, and his rent is reduced 20, 25, or 40 per cent, as the case may be, he should not be required to pay another gale on the old terms. I do not pretend to say that Irish landlords are invariably disposed to do justice; but I do believe that if a Committee of Irish landlords, picked haphazard, were now occupying the Front Ministerial Bench, we should have this Amendment readily accepted. This Amendment is in no sense retrospective, because we are only dealing with the rent which is ordinarily payable after the decision has been come to. I am surprised that, after the unanimous appeal made from these Benches, Her Majesty's Government think it well to occupy their present obdurate position in this matter.

Dr. COMMINS (Roscommon, S.): Mr. Courtney, I rise to throw out a suggestion which Her Majesty's Government may, I think, feel inclined to adopt. It seems to me a very extraordinary thing that, at the time of the passing of the Act of 1881, the universal practice of the Courts in all ordinary cases was not followed. When a suit or action has been introduced in a Court, the object of which is to determine the right of parties, the decision always dates back to the instant of the institution of the suit. I see no reason why the decision should not date back to the day of the original notice in all these cases. It is the easiest thing in the world to provide that when the Court has fixed a fair rent, that rent shall be made payable from the date of the decision. It is a mere simple sum of arithmetic. There is no difficulty at all in the matter. If what we propose is adopted we shall simply follow the usual custom of all Courts, and we shall be doing strict justice to the tenants. My suggestion is that we should leave out the words "the gale day next after," in which case the clause would read—

> "Such judicial rent shall be the rent payable by the tenant holding as from the making of the application."

I merely throw this suggestion out as an alternative course for the Government to adopt.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I hope the Committee will recall the exact position in which we stand. This clause of the Bill carries out the provision suggested some years ago by hon. Gentlemen below the Gangway opposite for the relief of Irish tenants. The hon. Gentleman the Member for West Belfast (Mr. Sexton) says we live in a progressive age, and that the Government have just now reached a stage which the Irish Members reached three years ago, and, therefore, we have no right to complain if, in the meanwhile, Irish Members have themselves made advance, and if they press us to make that advance with them.

MR. DILLON: You would not agree to our suggestion three years ago.

MR. A. J. BALFOUR: Precisely; the suggestion was contained in a Bill which the majority of the Liberal Party rejected three years ago. I make no complaint, but am simply replying to the argument of the hon. Member for West Belfast. He does not deny that we have gone the full length of their Bill. What he says is that they themselves have altered their opinion in the meanwhile—that what they thought justice in 1883 they no longer think justice, and that we ought to follow them in this wild career. I want to know on what principle finality would ever be reached? It would be enough for the Government of the day, from whatever side it was drawn, to propose Bills in exactly similar terms to a Bill suggested in the interests of the Irish tenants by those who claim to represent such tenants, for the Members for Ireland to get up and say—"That was good enough when we proposed our Bill, but it is not good enough now when you propose your Bill." Hon. Gentlemen have founded their argument upon what they call the injustice of past rents. They seem to think there is some kind of immorality connected with any rent which, under any circumstances, is diminished by the action of the Court. I do not wish to introduce unnecessary controversial subjects upon this matter; but that is not the view which can be taken by Her Majesty's Government. I quite admit that the tenants under leases, for example, had made extremely bad bargains for themselves, and I also admit that this House, rightly or wrongly, has determined to relieve them of the consequences of their bad bargains, and has made an exception in their favour which, so far as I know, the House of Commons has never made in favour of any other class of the community. The House may be right or wrong in taking that course; but, as I am responsible for the Bill we have proposed, I hold the view that we have, on the whole, done the right thing. But I do not agree that we are doing well to relieve the tenants of the consequences of bad bargains. We do not admit, and we never have admitted, that those who have exacted legal rights in past times have been guilty of an act of injustice, and we have no right to rip up old and past bargains, and exact from the people, who, after all, only use their legal rights, some kind of restitution in the name of justice. We do not admit that. The hon. Gentleman the Member for South Kilkenny (Mr. Chance) has appealed to the analogy of the Crofters Act. It is quite true that by a very violent provision adopted to deal with a very violent and extreme state of things the Crofters Act did give power to deal with arrears. I again protest against the general principle laid down by hon. Gentlemen opposite, which is that every time this House, in the face of a great emergency, chooses, rightly or wrongly, to overstep the ordinary limits of policy which dictates its legislation, that is to be dragged into a precedent which is to regulate all its behaviour when it is dealing with a different state of things. If every time we pass what is admitted to be exceptional legislation for Ireland, it is to be used in justification of what is admitted to be exceptional legislation for Scotland, or if every time we adopt what is admitted to be exceptional legislation for Scotland, it is to be dragged into a precedent for further exceptional legislation for Ireland, we are entering upon a process which can have no determination whatever. I must point out that there is a great distinction between the case of the Crofters Act and the case we are now considering. When the House of Commons passed the Crofters Act they had to deal with a population which had universally got into arrear, under a state of things the exact cause of which it is not now necessary to inquire into. But we are now dealing in Ireland with a condition of law which has given the tenant for the last six years power of revision. We are dealing under this clause with two classes of tenants; firstly, with the class of tenants under leases, and secondly, with that class not under leases. Do I understand that the case is given up with regard to the class of those not under leases, because I think the argument I have put forward is conclusive with regard to the tenants not under leases? Now, it appears to me that in their dealing with the class of tenants under leases, the House has acted in a most generous manner. [Mr. T. M. HEALY: No, no !] The House has done for the leaseholders of Ireland what no Government in any country, as far as I know, has ever done before. We go the full length of anything which has been claimed for the leaseholders of Ireland by those who claim to represent those leaseholders, and all we ask now is that the action we have taken in admitting, by a violent departure from every recognized principle, the leaseholders of Ireland to the benefits of the Act of 1881, shall not be retrospective. Surely we are not making a great demand on the House when we ask them to assent to the proposal contained in our measure, which was also the proposal contained in the measure brought forward by hon. Gentlemen opposite.

MR. HENRY H. FOWLER (Wolverhampton, E.): I do not understand that the right hon. Gentleman has stated the true construction of this clause. I do not understand it is confined to leaseholders. It is intended to apply to all persons who have had judicial rents fixed. This clause is a specimen of that exceptional legislation to which the right hon. Gentleman has referred. The position of the matter is this—that in passing what the right hon. Gentleman calls the exceptional legislation of 1881, Parliament enacted that the judicial rents should not commence until after the decree of the Court fixing the judicial rent. That has been felt in Ireland, as admitted by the right hon. Gentleman, to be a grievance. It has been felt that the judicial rents ought to commence at a much earlier date than the decision of the Court. It is simply a question of time. We are introducing retrospective legislation in saying that the judicial rent shall date back to the gale day next after the date of the application of the tenant—that is, one or two gale days preceding the date of the decision. The clause will be retrospective in any case. If upon the application of the leaseholder or other tenant, the Court decides that whereas his rent has been £30 it ought only to be £20, the question is when the payment of the £20 shall commence. The present law says it shall not commence until after the date of the judicial decision. The Government propose that it shall commence on the gale day next after the settlement. The hon. Gentleman the Member for East Limerick (Mr. Finucane) proposes that it shall commence on the gale day next before the application, and the hon. and learned Gentleman the Member for Roscommon (Dr. Commins) proposes, as a compromise, that it shall commence on the actual day of the application. There can be no question of principle involved in this. The question is simply whether this Relief Clause shall be fairly and justly administered. Surely there can be some solution found which will save the time of the House, and, at the same time, do generous justice to the Irish tenants.

MR. A. J. BALFOUR: Generous justice at the expense of the landlords. In order to clear up the confusion, I wish to say that when I said the word retrospective, I used it in a very different sense to what the right hon. Gentleman thinks. I do not consider legislation is retrospective which says that a man shall make an application to the Court, and whatever the Court decides shall date from the date of the application. A man who comes to the Court does not say, "Relieve me of future payments;" but he says, "Relieve me of past payments which I have made, or which I ought to have made." [*Cries of* "No, no!"] I think I am putting the matter quite accurately. The proposal of the right hon. Gentleman is that when a tenant comes to the Court, he shall ask the Court to relieve him of payments he ought to have made. [*Renewed cries of* "No, no!"] The proposal of the Government is that a man should only ask for relief in regard to the payment he is going to make or ought to make.

MR. CHANCE (Kilkenny, S.): The Amendment would not enable the Court to relieve a man from any liability which had accrued before the date of the application. That is perfectly clear. But what it would do would be to provide that the first rent payable by him after the date of application should be the new rent, and not the old excessive rent. It would not affect his prior liability to the extent of one farthing.

MR. T. W. RUSSELL (Tyrone, S.): The right hon. Gentleman the Chief Secretary misrepresents the position. If an application is made in the month of July, the next gale will be payable in November. Under the Bill of the Government, the relief would date from the month of November; but under the Amendment it would date from the month of May. That is really the whole point.

MR. PARNELL (Cork): It appears to me that the right hon. Gentleman (Mr. A. J. Balfour) used an expression just now which shows that the Government are in accord with us; but they are misrepresenting the effect of their own clause. We do not wish that the Amendment shall refer to sums payable by the tenant before the date of the application, and, in point of fact, it does not apply to them. If the right hon. Gentleman will read the words of his own clause, he will find that the clause, as it now stands, will compel a tenant, after the decision of the Court has been given reducing his rent, to make payments on the old scale, and not on the reduced scale, in some cases to the extent of a whole year's rent, and in many cases to the extent of six months' rent. That is absolutely so; and the right hon. and learned Gentleman the Attorney General for Ireland will not contradict the statement. How does the clause run? It runs as follows:—

"When the Court on application fixes a judicial rent for a holding, the Court shall order that such judicial rent shall be the rent payable by the tenant of the holding as from the gale day next after the making of the application."

Suppose the application is made anytime before the next gale day, and that the next gale day is the 1st of November, the new rent will commence to run from November; but the tenant will have to pay the old rent after the date of the application, because, recollect, that no agricultural tenant in either England, Ireland, or Scotland pays his rent upon the day on which it becomes due. Although the gale of rent in question may be due on the 1st of November, it would in no case be payable until the following May. [Mr. A. J. BALFOUR: No, no.] That is the custom on all the estates with which I am acquainted. The right hon. Gentleman may know of some exception, but I never heard of the payment of a gale within a gale. In many cases where rents are payable yearly, they are not payable for 12 months after they become legally due. Let me take two cases, one of them payments of a gale within a gale, and the other a case where rent is payable on one gale day for the preceding gale. In the case of the rent becoming due next November, where the rent of the estate is ordinarily payable six months after it falls due, the tenant would pay, the next May, the old unreduced rent for the half-year. In the second case, where there is only one rent-day in the year, the tenant would pay the year's rent legally becoming due in November; that year's rent would also be the old unreduced rent. Now, I think that is a striking and a glaring injustice. This Amendment does not deal with payments which were made or can be made before the date of the judicial decision; but we say that this clause should deal with payments ordinarily payable immediately after the date of the judicial decision. I say that the rent ordinarily payable at the date of the application should be the reduced rent, and not the old unreduced rent. I think that it is a perfectly fair proposition; it does not import retrospective action into the Bill; it has been sanctioned in the case of the Arrears Act of 1882, and it is a principle which I submit the Committee should adhere to on the present occasion. The section of the Arrears Act provides that where it appears that in the ordinary course of dealing between the landlord and tenant, the rent has usually been paid on a certain date after it is legally due, the section in question shall apply to the date on which the rent is due. That is precisely what we want to have followed in this Bill; otherwise you will have, in the majority of cases, the old rent following on the tenant for fully six months after the date of the judicial decision, and in some cases for 12 months. I say that is a clear injustice and anomaly, and it is one which the Government are bound to redress. The way in which the Government have met this Amendment augurs very badly for any satisfactory solution of the arrears question, which comes on for discussion on Amendments to later portions of the Bill. But as regards this particular question, unless you wish to make the Bill a mockery, at all events for six months after it is passed, you will be obliged to adopt some Amendment in the direction indicated by the hon. Member for East Limerick (Mr. Finucane); and you must recollect that this period of six months will be that in which the tenants find it most difficult to pay their rents. We should have been satisfied with the provision that the rent "shall be the rent ordinarily payable by the tenant of the holding on the gale day next after the making of the application." Would the Government agree to an Amendment of that description? It would get rid of the appearance of retrospective action incidental to the use of the word "preceding" in the Amendment of my hon. Friend. It is true that we cannot debate the whole of this question at the present time; but it would be possible to introduce the matter on Report. If the Government agree to what is now proposed, the clause would then run—"Shall be the rent ordinarily payable by the tenant of the holding on the gale day next after the making of the application."

Mr. T. M. HEALY (Longford, N.): I hope the Government will agree to this proposal. My hon. Friend wants to provide that this reduction shall take place on the hanging gale. The word "ordinarily" is in the Act of 1882, and I think the least the Government can do is to accept the proposal before the Committee. The matter is not one easily intelligible to hon. Gentlemen opposite, but it is one which the Attorney General for Ireland (Mr. Gibson) can well appreciate. If the word "ordinarily" be inserted, it will make the Amendment effective without reference to the hanging gale. I think even the Parliamentary Under Secretary does not expect to get his rent before the usual time.

The PARLIAMENTARY UNDER SECRETARY for IRELAND (Colonel King-Harman) (Kent, Isle of Thanet): There is no hanging gale on my estates; it was bought up years ago.

Mr. T. M. HEALY: That makes the case worse for the hon. and gallant Gentleman, because he must have expected it from the tenants long ago. [Colonel King-Harman: I bought it up.] All that the hon. Member for Cork (Mr. Parnell) asks is, that the hanging gale shall not be a bone of contention between landlord and tenant in Ireland.

Colonel WARING (Down, N.): There is one statement that I wish to make—namely, that the hanging gale is not recognized, and does not exist in the North of Ireland, because it has been compounded for and bought up half a century ago. I am old enough to remember the occurrence on the estate of my grandfather.

Mr. CHILDERS (Edinburgh, S.): I had the honour of taking a part in carrying through this House the Arrears Bill of my right hon. Friend the Member for Mid Lothian, and I can say that this question of the hanging gale was thoroughly threshed out in the discussions which took place on that measure, and I think we may clearly infer, from the debates of that day, what the hon. Members for Cork (Mr. Parnell) and East Limerick (Mr. Finucane) desire. There is no question that, although on a few estates in Ireland the rents are paid within a few weeks of becoming due, on the vast majority of estates there the rents are not paid until six and twelve months afterwards. We have had the whole of that question thoroughly discussed on the Arrears Act, and precisely the same remarks were made by hon. Gentlemen on the side of the House opposed to us then, as have been made to-night, and the conclusion come to was exactly in the terms of the statement made by the hon. Member for Cork. I would, therefore, press upon the Government to adopt these words which I think constitute a perfectly fair compromise.

MR. T. M. HEALY: I remember that so difficult was this question that when the Arrears Bill was introduced, it did not contain any provision with regard to it; and the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) had to ask the House to go into Committee *pro formâ*, in order to put in the provision about the hanging gale. The debate lasted four days, and the House resolved that the words of the hon. Member for Cork (Mr. Parnell) should be included. The word gale is always held in the minds of the peasantry to mean 12 months rent, and that is the meaning in the Act. Would it not be unfortunate if the tenant paid rent on the 25th March, 1889, getting a receipt to March 1888, and then after applying in May for a reduction of rent, that reduction were only to begin in 1889? That is exactly what will happen under this section. The tenant would not get the benefit of the clause till then, if the word gale were used in a popular sense. I trust the Government will give some reason for not adopting the Amendment of my hon. Friend, and I suggest, as they are desirous of increasing the loyalty of the people, that they should not in this case give with one hand while taking away with the other.

LORD RANDOLPH CHURCHILL (Paddington, S.): I do not know to what extent the information and experience of the Government leads them to discover in the Amendment any large or adequate principle on which they ought to rely, and to which they think they ought to adhere; but if there is no principle of the kind I would advise them to accept the compromise which seems to be proposed from two quarters of the House. But I wish to be distinctly understood only to advise that compromise being accepted; because, so far as my information goes, there does not appear to be any very important principle involved; and to say that if the Government do not choose to accept the Amendment, without questioning their motives, I shall vote with them, because I think hon. Gentlemen opposite are dealing out very hard measure to the Government with reference to this clause. I was present here some minutes after 8 o'clock, and, having returned after 10 o'clock, I own that I am greatly grieved and exercised in my mind that the Committee should not have made greater progress than they have with the clauses of the Bill. I recollect that the hon. Member for East Mayo, in his speech on the second reading of the Bill, said, when he came to Clause 2, that he had no fault to find with it, and that he considered the clause to be satisfactory. He said the clause had the approval of the Irish Party, although the Government might have given way some time ago. I must also take into consideration that on many large and important matters the Government have, in spite of all kinds of hostile insinuations and imputations brought against them, come down and frankly met, and endeavoured to meet, the views of Irish Members on this question of relief of Irish tenants. Now, I put this to hon. Members opposite, and, in doing so, I think they may know I am not taking a partizan course, and that the observations I am making are perfectly unprejudiced and fair. Hon. Gentlemen opposite have at heart the interest of the Irish tenant, and in the interest of the Irish tenants they are disposed to cast aside and not allow themselves to be influenced by any memories of the past and former conflicts in this Session on the question of the Government of Ireland. But can the Government put themselves in that position? It is impossible. The Government of the United Kingdom is bound to consider the interest of all classes. It cannot altogether, on every point, sacrifice the interest of the landlord class. The point I wish to put is this—if we are to arrive at a harmonious Parliamentary Settlement of this question, hon. Gentlemen opposite must make allowances for the Government, and admit that they have made enormous concessions, which have not been obtained from any former Government. I appeal to hon. Members to reflect that they ought not, by discussing at great length Amendments on minor points, seek to screw the landlord class out of the protection of the Government. I think the remainder of the Bill may be discussed calmly and without serious difficulty; but, with regard to this Amendment, I appeal to hon. Members to consider the period at which we have arrived, the utter impossibility of carrying through this legislation in the present Session, if every point of detail is to be discussed, and the great interests involved. Unless some change in the attitude of hon. Members opposite takes place, I greatly fear that the interests of the Irish tenants will be most seriously compromised. I have been encouraged to make these remarks mainly by the tone of the hon. Member for Cork (Mr. Parnell), and I venture to express a hope that, having regard to the great responsibility resting upon hon. Members opposite and upon the Government, we may make progress with the Bill as a whole, and allow to stand over points of a minor character.

Mr. PARNELL (Cork): I certainly have a desire to approach the consideration of this Bill from the point of view recommended by the noble Lord who has just sat down, and I should be very sorry that either I or my hon. Friend should do anything in the direction he has indicated of preventing the passage of the Bill. I do not think we have unduly pressed the Government in any way, so far as the Amendments we have put down are concerned, and since the announcement of the Government, I must say that we have abandoned the intention of moving many Amendments which are still on the Paper. I desire, as much as I possibly can, to make the passage of this Bill through the Committee as easy as possible, and that, I believe, is a feeling which influences all my Colleagues; but the question under consideration is a very important one, and we have put it to the Government very fully. It is a question of rents payable during the coming winter, and which will be on the old scale, unless the Government agree to the Amendment we have suggested as a compromise. Now, surely, that is the root and principle of the Bill. If the Bill is not to take immediate effect in Ireland, a very large portion of its ameliorative effect will be lost and destroyed. Surely, when we point out this fact, we are entitled to the consideration of the Government. Now, in order to show that I acknowledge the justice of the advice of the noble Lord, I shall suggest to my hon. Friend that he should withdraw his Amendment, and consider the question of compromise, and that the Government should announce their views on the subject. The question has been fully debated, and I shall be glad to hear what the Government have to say on the withdrawal of the Amendment.

Lord Randolph Churchill

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): The Government are unable to accept, at present, the suggestion of the hon. Member for Cork. They must oppose the Amendment which has been put from the Chair; but they will consider all the arguments that have been presented to them between the present stage and Report, and they will then say whether they think it is possible to make any approach to the settlement of the question in the direction which the hon. Member for Cork suggests. I must again ask the Committee to proceed as quickly as possible with the Bill, having regard to the very important issues which have been raised by the noble Lord the Member for South Paddington.

Amendment, by leave, *withdrawn.*

Dr. FOX (King's County, Tullamore): It is, unfortunately, the fact that many of the Irish tenants are three years in arrear with their rent, and, if you are to give them a fair start, it will be absolutely necessary that they should be relieved of this onus. I propose that the Land Commissioners' Court should be able to deal with the rent due in the manner proposed in my Amendment, because that Court is more competent to do so than the County Courts, which, as at present constituted, have not the confidence of the people, and because the procedure would be far more simple.

Amendment proposed,

In page 2, line 15, after "application," insert—"And if the application is made under the next succeeding section of this Act, then as from the gale day when any of the rent for the non-payment of which proceedings therein mentioned are brought began to run."—(*Dr. Fox.*)

Question proposed, "That those words be there inserted."

Mr. PARNELL (Cork): This is a matter which involves the same principle as that contained in the preceding Amendment, and I think it had better remain over.

Amendment, by leave, *withdrawn.*

On the Motion of Mr. T. W. Russell, the following Amendment made:—In page 2, line 16, to leave out "may" and insert "shall."

Clause, as amended, *agreed to.*

Clause 3 (Consolidation of proceedings in ejectment, and application for fair rent).

MR. PINKERTON (Galway): I beg to move the Amendment which stands in my name.

Amendment proposed, in page 2, line 23, to leave out all after the word "where" to the first "of" in line 24, and insert the words "by reason of the non-payment of."—(*Mr. Pinkerton.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The object of this clause is this—it is intended to give a benefit to the tenant, and to enable the Civil Bill Court, when an action is brought for ejectment in a case in which a judicial rent has not been fixed, to fix a fair rent for the holding, and to dispose of the ejectment at the same time. A number of Amendments are now sought to be added to the clause which will divert it from its original purpose. Inasmuch as the Civil Bill Court has jurisdiction itself to fix a fair rent of the holding without the intervention of the landlord, it was considered desirable that the Court in which the ejectment was pending should fix a fair rent and stay the ejectment proceeding until that was done. That is the object of the section. It is not a very important section, and a number of Amendments have been put down which, as I say, would practically destroy it for its original purpose. We had intended to provide for the case of ejectments brought in the Civil Bill Court. Inasmuch as these proceedings in regard to a fair rent may be brought by a present tenant who has never come into Court on account of having a fair rent, it seems unreasonable that there should be a general power other than that which exists under general legislation by which tenants may have proceedings hung up when they are proceeded against for rent. Where an action is pending in a Superior Court against a present tenant, and that present tenant wants to have a fair rent fixed, he can get a stay of proceedings in that Court until his fair-rent question is disposed of. That is the law under the Act of 1881. There are a number of Amendments that it would be out of order to discuss dealing with ejectments and bankruptcy and overlapping the provisions already in force under the Act of 1881. I am afraid that if all these Amendments are moved and discussed the influence of the hon. Member for Cork (Mr. Parnell) will not have much weight in securing rapid progress of the measure, because it is obvious that a great deal of time will be spent upon these matters. It seems to me that it would be a very desirable thing, as this clause is not a very material one, for the hon. Member for Cork to act upon the principle he has very fairly intimated, and to get the clause disposed of rapidly.

MR. T. M. HEALY (Longford, N.): If the Government want to make progress, if the suggestion of excision which the right hon. and learned Gentleman has made were directed against Clause 4 instead of against Clause 3 it would be valuable. If any clause is to be dropped it should be Clause 4. I would say this to the Government—if they will give us a guarantee that Clause 4 will be dropped, they can have this Bill, so far as we are concerned, at the most in a couple of days. I am sure that, considering the period of the Session and the odour that now prevails in this House, it is almost out of the question to expect us to carry on civilized proceedings here. I would suggest to the Government that they should give us some statement as to Clause 4—it might not be strictly in order, but, having regard to the state of collapse in which we are, I am sure that you, Sir, would allow them to say what they intend to do in the matter of this Clause 4, which deals with the substitution of a written notice for the execution of an ejectment, and Clause 19, which deals with the hearing of appeals under the Land Act. We are not within measurable distance of Clause 19 now; but I think that if we had a statement as to Clause 4 considerable progress might be made to-night. I would ask whether it is the intention of the Government to proceed with that clause?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I am afraid I cannot meet the request of the hon. and learned Member for North Longford in regard to Clause 4; and as to Clause 19, we shall deal with that when we reach it, or come within measurable distance of it. It does not appear to me that the consideration of Clause 4 is important in the discussion of Clause 3. Clause 3, as we have said, is not a very important clause, and we would therefore ask the Committee to proceed with it rapidly, or to negative it.

MR. T. M. HEALY: For the information of the Government I must say that we have not as yet proceeded to put down Amendments to Clause 4; but a vast number are in course of preparation; and unless the Government are aided by the clôture in enforcing the clause, I believe it will take a long time, probably a week, in discussing this one question. I hope the Government will not think I am in any way exaggerating. Probably they will agree to postpone Clause 4. That would relieve the Committee to some extent; but, failing that, I must say that while as regards Clause 3, I in principle accept it, and do not think it need lead to a great amount of discussion. I feel that unless you postpone Clause 4, and thereby leave over all discussion on it, so that we may not address ourselves to it in a state of aggravation, I am afraid that great delay will be experienced on Clause 3.

MR. W. H. SMITH: I do not know that we are quite in Order in discussing what ought to be done on Clause 4. So far as I am concerned, I should wish to avoid every possible word in the nature of aggravation, and everything which could possibly produce ill-feeling on the part of hon. Gentlemen below the Gangway. But the Government feel it to be necessary to persevere with Clause 4. It is impossible for the Government to persevere with this Bill if protracted delay occurs upon any of the clauses. The responsibility, therefore, of wrecking the Bill must rest with hon. Gentlemen opposite, if protracted discussion and undue delay occurs upon any of these clauses. The Government are quite prepared to afford the most complete facilities for discussion, and fair discussion, upon the principles involved in any clause of this Bill; but the hon. and learned Gentleman opposite, and those associated with him, will see that the nature of a discussion which is to last over a week on any one of these clauses is a matter the Government must take into very serious consideration with regard to the further progress of the measure.

MR. T. M. HEALY: I should be very sorry to think that at this period anything in the nature of a threat was used on one side of the House or the other. I would remind the right hon. Gentleman that I only referred to what might take place—I put it in a subjunctive way. As to what the right hon. Gentleman says about wrecking the Bill, I would point out to him that the life of the Government has been staked upon the passage of this measure.

THE CHAIRMAN: This discussion is wholly irregular, and it would be convenient if the debate were confined to the clause before the Committee.

MR. T. M. HEALY: I admit, Sir, that you have allowed us considerable latitude in dealing with these clauses—as much latitude as we could claim in the discussion of a matter of this kind. But I think, Sir, you will agree that very frequently very substantial benefit has resulted from a little latitude having been given in such matters as this. If the Government will agree to postpone Clause 4—I am going no further than that. [*Cries of* "Order!"] The Committee will see that what I am saying is strictly relevant to this Amendment. I would advise the hon. Member who has moved the Amendment to withdraw it in order that we may be able to apply ourselves to the consideration of some important matters later on in the Bill. I think there is some force in the argument of the right hon. Gentleman the First Lord of the Treasury that the Government have proposed this clause in the interests of the Irish tenants, and that if we do not accept it without considerable discussion they will feel inclined to withdraw it. I am not inclined to say that from their point of view there is not great force in the position, having regard to the necessity for making progress with Supply. I would remind the Government, however, that we should not feel inclined to press discussion upon this clause, or in Supply, if certain obnoxious proposals are withdrawn from the Bill. I would ask them whether, with the view of bringing about harmony, and without prejudice to their intention of proceeding with the succeeding clause, they could not agree to postpone it, and leave for the Committee only the discussion of those questions with regard to which we are all practically agreed?

Mr. W. H. SMITH: I wish to make myself perfectly clear. I desire to avoid everything which would produce irritation amongst hon. Gentlemen below the Gangway opposite; but the Government feel it to be absolutely essential to proceed with Clause 4. Under the circumstances, it would be unreasonable that we should postpone the clause and take it out of its proper order. We desire to give the Committee an opportunity for full discussion on the clause; but it certainly appears to me that it would be more fair and straightforward on our part to take it in its proper order, and to listen to any objections which hon. Gentlemen may have to offer to us. We believe Clause 4 will be a benefit both to the tenants and to society in Ireland, and we advocate and support it on these grounds. That being our view of the matter, we are quite unable to accept the view of the hon. and learned Gentleman.

Mr. DILLON (Mayo, E.): Perhaps the right hon. and learned Attorney General for Ireland will not object to tell us something more as to the meaning of this clause. Might I ask him this question? Whether the clause will enable the landlord, if he is in a position to bring an action for ejectment at all, to compel the tenant to get his rent fixed in the County Court? Supposing a landlord brings an action for ejectment, will this clause deprive him of the right which he ordinarily exercises in the Land Court of getting a fair rent fixed by the Land Commission, if he prefers so to do? My attitude on this clause will be to a great extent influenced by the right hon. and learned Gentleman's answer on that point.

Mr. GIBSON: The clause will not displace the power which already exists. The defendant has an option in the case, but he need not exercise that option unless he likes. Where an ejectment action is brought in the Civil Bill Court the defendant may give notice to have a fair rent fixed in that Court, if he likes.

Mr. DILLON: It does not deprive him of any right in the Land Court?

Mr. GIBSON: No; I do not think it does. Under Section 13 of the Land Act of 1881, where an action for ejectment is taken in any Court, whether the Civil Bill Court or otherwise, if the defendant wants a fair rent fixed he can apply for a stay of proceedings in that Court, without reference to these proceedings at all; and he may, under the Act of 1881, apply to have a fair rent fixed by the Land Court. That is his position under the Act of 1881, without the assistance of this clause. There is no doubt about the law as I understand it, and as I state it to the House. We intend, in this clause, that where there is an application pending in the Civil Bill Court for an ejectment, the defendant, without being limited as to time, and without being compelled to put the matter off to a distant period, might have his case of ejectment and his fair rent disposed of at one and the same time. That was our intention in introducing the clause. The rights that existed under the Act of 1881, giving the tenant power such as I have stated, are in no way affected by this clause.

Mr. O'DOHERTY (Donegal, N.): As I understand the right hon. and learned Gentleman, this is to enable the tenants to apply for benefits to the County Court Judges. Well, my experience of the County Court Judges is that they have, in all cases, refused to give that stay of proceedings which he contemplates, and which I have always urged they ought to give when asked for. They have invariably said that cases of this kind should be proceeded with on the determination of the tenancy. My position with regard to this clause and the Amendment is this, that the whole thing is not worth contending for, and that it will not be a particle of use except in some counties of Ireland. For us to think that the tenantry of Ireland would get anything like general relief from the County Court Judges is perfectly fallacious. I do not think it worth while to fight over this 3rd clause, or worth wasting a minute's time over it. I admit that in one or two of the cases in which the option might be taken there would be County Court Judges in whom the tenants would feel confidence; but in many other cases this would not be so. So far as I should be able to give advice to my hon. Friends around me, it would be better not to contend for this clause at all, and to have it struck out, in order to mark our appreciation of the value which we at all times set upon the consideration which the tenantry receive at the hands of the County Court Judges.

Mr. DILLON: I must ask one other question, because I am unable to understand what the effect of this clause would be. In reading the clause a doubt has arisen as to the effect it would have on the minds of the tenants. My doubt is this—the clause gives an additional right undoubtedly to the tenant to apply to the County Court to get a fair rent fixed when an ejectment is pending against him. The County Court may thereupon dispose of the ejectment and of the fair rent. I would ask the right hon. and learned Gentleman the Attorney General for Ireland whether, in his opinion, it might not seriously prejudice the tenant to get a stay of examination pending the decision of his application to the Land Court for the fixing of a fair rent; because the County Court Judge will be in a position to say—"Why should I give a stay of execution? The tenant has now a right to have his rent fixed by me without delay at all, why, therefore, does he not come to me? Why does he ask for a stay in order that he may go the Land Court? He will not trust me to give a fair rent, therefore, I will not give a stay of execution." I put that question to the right hon. and learned Gentleman the Attorney General for Ireland. Does he really think that there is any force in that objection?

Mr. GIBSON: I do not know that anything I could say would remove the prejudice which the hon. Gentleman seems to have against the County Court Judges of Ireland. For my own part, I do not believe that the Irish County Court Judges, who are honourable men, would be at all likely to act in the way the hon. Member suggests.

Mr. DILLON: Allow me to explain my objection. The Judge might say that his only reason for not arresting the ejectment in order to enable the tenant to go to the Land Court was the delay which would be brought about.

Mr. GIBSON: No doubt, if the County Court Judge saw that the tenant's object in asking for a stay was not a *bonâ fide* desire to receive full justice, but merely a wish to bring about delay, he would take that into consideration. But the hon. Member's objection that the County Court Judge might be angry at the litigant going away from him, and preferring to have his fair rent fixed by another Judge, does not seem to be one which should weigh with the Committee. It is a question upon which we must each form our own judgment; and all I can say is that, having known the County Court Judges of Ireland for many years, and knowing how they are respected by the people——

Mr. T. M. HEALY: Oh, oh!

Mr. GIBSON: Yes; knowing how they are respected by the people, I do not believe for a moment that they would be actuated by such motives.

Mr. PARNELL (Cork): I think it is admitted, even by those who think least of the County Court Judges in Ireland, that, at all events in some districts in that country, this clause may be of some use. Under the circumstances, I would ask my hon. Friends who have Amendments on the Paper not to delay the progress of the Committee by bringing forward their proposals. I would propose to them to allow the clause to pass *quantum valeat.*

Mr. DILLON: I will not pursue the matter any longer. I have explained that my mind is in a state of doubt. My doubts are not removed, and it is still a question with me whether the clause is of any value at all.

Amendment, by leave, *withdrawn.*

Mr. LEA (Londonderry, S.): I had intended to move the following Amendment:—Clause 3, page 2, line 26, after "prescribed," to leave out to the end of of the clause, and add—

> "Give notice of an application to the Land Commissioners to fix a fair rent of the holding, and the Court should thereupon fix a fair rent, pending the fixing of such fair rent the proceedings in ejectment shall be stayed, and the Court in fixing such fair rent shall ascertain what would have been the fair rent of the holding during the period for which such arrears had accrued, and if it should be proved that the fair rent of the holding should be less than the sum sued for, then the Court will estimate the amount of such arrears upon the basis of such fair rent, and having ascertained the amount that would be due to the landlord, the Court in which the ejectment proceedings are pending may make an order for the payment of such arrears at such times and in such instalments as may to the said Court seem fair and reasonable."

Having regard to the convenience of the Committee, I do not propose to proceed with this Amendment, though I think it is one which is very important, and would be very useful if the Government would accept it. Will the Government accept it? I do not wish to hamper them, and I will not move the Amendment unless they are prepared to accept it.

[No reply.]

Clause *agreed to.*

Clause 4 (Substitution of written notice for the execution of an ejectment).

MR. PARNELL (Cork): I regret very much that the Government have introduced this clause into the Bill. I regret it now more than ever since the change which the Government have intimated their intention of introducing in the main structure of the Bill. It must be obvious to everyone that a Bill of this kind, of this complex character, involving as it does so many points of law, cannot be passed at this period of the Session by being treated as a whole, as an uncontentious Bill. But if in a conspicuous part of the Bill, on the very second night of the proceedings in Committee, the Government thrust upon us a clause of this obnoxious character which abounds in contentious matter, and which is entirely opposed to the whole principle and spirit of the Bill, it must be obvious that great delay—perhaps a fatal delay—in the passage of the measure may take place. Now, Sir, the blame of this position is not with us. The blame of the introduction of this clause into the Bill is not with us. The clause is entirely foreign to the rest of the Bill. It has no reference whatever to the rest of the Bill, which is admittedly, with the exception of the clause referring to leaseholders, a Bill of a temporary character. Why, since you refuse to introduce permanent matter into the Bill beneficial to the tenants on the ground that the Bill is of a temporary character—why do you introduce permanent matter hostile to the tenants and repugnant to the advocates of the tenants? Why do you introduce matter of that kind into the Bill at this stage? I would appeal to the Government to reconsider this matter, and if they will not strike this clause out of the Bill, I would ask them, at all events, to postpone it until the rest of the measure has been got through. After the rest of the Committee stage of the Bill has been disposed of, they will have ample time to consider what they will do—indeed, they will have in the meantime an opportunity of considering the arguments for and against the inclusion of this clause in the Bill. I think they ought to take into consideration the accelerated progress the Committee has made with the Bill during the last half-hour, in fact since the speech of the right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre). There is an old saying which was once made by a wise man, "Take the tide at its flood." I would request the Government to take the proceedings on this Bill at their flood, and to go on with the non-contentious clauses. I would urge on them to take advantage of the happy disposition which now prevails amongst all sections of this House, and to accelerate the progress of the Bill through Committee while everyone is in good humour. I am now arguing for a postponement of the clause. What in the world is the use of producing this contentious matter, like the famous apple in the olden heathen time, throwing it down on the floor of the House for the purpose of setting us by the ears. What is the use of doing this—what is the use of putting us all into a temper when they have an opportunity of dealing with this clause in a spirit of harmony? That spirit has undoubtedly characterized the proceedings upon this Bill since its introduction into Committee, and it has specially characterized our proceedings during the last half-hour, or since the appeal of the noble Lord the Member for South Paddington (Lord Randolph Churchill). I would earnestly implore the Government to look on this matter from this common sense point of view—they are dealing with 670 Members of Parliament, and it is of great importance to keep these Members in good humour. It is of great importance while they are willing to make rapid progress, not to say anything or do anything of an obnoxious character, which will have the effect of damaging the good humour which prevails, and of delaying our proceedings. I speak words of wisdom, I am sure, when I implore the Government to hearken when I ask them if they are not willing to strike out the clause altogether, at all events to postpone it. I beg to move that the clause be postponed.

Motion made, and Question proposed, "That the Clause be postponed."—(*Mr. Parnell.*)

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I do not undervalue or underrate the importance of what has fallen from the hon. Member for Cork (Mr. Parnell). I do not know whether I ought to describe it as a warning or as a threat. [*Interruption by* Mr. PARNELL.] I did not use those words in an offensive manner, but undoubtedly the speech of the hon. Gentleman conveyed, and I think it was intended to convey, a warning to say the least of it to Her Majesty's Government that if they persisted in going on with this clause in its present position they were preparing for themselves something that could not be described as a bed of roses during the next few days—during the discussion of this Bill. What is the ground which the hon. Member has brought forward as an argument to induce us to accept the suggestion which he has made? It is that we are superfluously and unnecessarily introducing by this clause contentious matter into the Bill. What, Sir, is the hon. Member's definition of contentious matter? It appears to me to mean matter which is not wholly agreeable to hon. Gentlemen below the Gangway. So far as I can understand it in no other sense of the word is it contentious. So long as we were merely interfering with the rights of landlords we were not introducing contentious matter. So long as we were cutting down privileges which have been secured to the landlords by custom and legislation, we were not doing anything of a contentious character. As soon as we bring forward a clause which, in our opinion, is certainly not a landlord's clause, but which we believe to be a clause well suited to facilitate the better government of Ireland, then we are accused by the hon. Gentleman of introducing what he calls contentious matter. All the threats and warnings which he has in his power to hold over our heads, all the various kinds of future difficulties which he has it in his power to put in our way, and which he now brings before our notice in order to induce us to drop this part of the Bill which we think of not less importance than many other parts of the Bill for the better government of Ireland, and for the settlement, or, at least, the temporary settlement, of the Irish difficulty. It appears that if the course which the hon. Member suggests to the Government were pursued, the whole course of legislation in this country would henceforth be at the mercy of any section in the House who had it in their power to tell the Government of the day that if they brought forward certain clauses which that section were prepared to describe as contentious, they would have great difficulty in passing the measure. I think the hon. Gentleman has for a moment forgotten the enormous benefits which many parts of this Bill are calculated to confer upon the Irish tenants. The hon. Member apparently disliked this particular provision. It is not a landlord's provision at all; but, surely, the hon. Member must see that it is hard upon the Government, it is unjust to the Government, to applaud them so long as they merely carry out suggestions which commend themselves to hon. Members below the Gangway, and to accuse them of introducing contentious matter when they declare their intention of carrying through to the best of their ability a clause they sincerely believe to be of the first importance for the better Government of Ireland. The Government cannot yield to the temptation, great as it is, held out by the hon. Member for Cork. Be it for good or evil we must adhere to the policy laid down by the right hon. Gentleman the Leader of the House, which is in conformity with every declaration which the Government have made upon this question, and carry it through as best we can.

LORD RANDOLPH CHURCHILL (Paddington, S.): I hope the Committee will pardon me trespassing upon their patience so soon after having addressed observations to them on other matters. I know very well — no one knows better than I do, how small, how exiguous, how almost nothing is my influence with the Government upon any single question of home or foreign policy. But in spite of this very discouraging circumstance, I still venture to offer some observations upon what has fallen from the right hon. Gentleman the Chief Secretary to the Lord Lieutenant of Ireland. I was given to understand—I suppose on insufficient basis—that the Government were prepared to contemplate with an open mind the policy embodied in Clause 4, and I own that when I heard of the changes which the Government were disposed to make in the general framework of the Bill nothing gave me greater satisfaction or hope than the information which reached me, that in respect to Clause 4, the Government might be disposed to consider with an open mind any observations which might be made with regard to the clause. Recognizing entirely that on this point I am not likely to gain the smallest support from any section of the House, I think it is my duty, owing to my experience—not very large perhaps—owing to the knowledge I possess of the relations which exist between landlord and tenant in Ireland, and the manner in which these relations are influenced by certain parties, to make my protest against this clause in its present form. With this preamble let me say that what I would like the Government to consider is this—let them take this clause as a Bill by itself; let them put aside all the other clauses of the Bill. I ask the right hon. Gentleman the Chief Secretary for a fair and candid consideration to this point. Would they be disposed to urge this clause in the form of a Bill? The Government attach enormous value to this clause; they think that it will produce a great amelioration in the state of social order in Ireland; they think it will avoid the disturbances which arise from evictions. I want to know from the right hon. Gentleman the Chief Secretary to the Lord Lieutenant if he would take up his present position if this clause stood by itself? What would this clause do? It would do no more than, and it could do no more than, postpone for six months the disturbances which now arise at the original evictions. If the clause stood by itself it would not produce any real or permanent amelioration of the state of social order in Ireland, as social order is affected by evictions. It would merely postpone evictions. Well, postponement under ordinary circumstances is a great weapon, but postponement with regard to evictions in Ireland hardly seems to me to be worth the trouble and bother which the Government are likely to give themselves in respect to this question.

The CHAIRMAN: I am reluctant to interfere with the course the noble Lord is pursuing, but it is obvious that if on a Motion for the postponement of a clause that clause can be discussed, the labours of the Committee may be considerably enlarged. I think that on a Motion for the postponement of a clause, the reasons for postponing the clause are all that can be properly gone into.

Lord RANDOLPH CHURCHILL: I hardly recollect the postponement of the clause having been moved, but I bow at once to your decision, Sir. With respect to the postponement of the clause, I have an important argument to urge. What you want to do in Ireland, what the Government really and seriously want to do in Ireland, and I hold they have proved that such is their sincere desire, is to stop harsh and unreasonable evictions. If your Bill is passed, as I feel sure it will be, and as I am sure it ought to be, you can stop harsh and unreasonable evictions without this clause. You can stop them in their origin, and it is better to stop them in their origin than to postpone them in their progress. That is a point, I think, the right hon. Gentleman the Chief Secretary ought to consider. Well, now, Sir, it is quite true that the right hon. Gentleman the Chief Secretary said just now, and I have not a word to utter against what he says—this Bill, as a whole, confers enormous benefits on the Irish tenants. Certainly it does, and no hon. Member below the Gangway opposite will disagree with the proposition. But still, if this Bill without Clause 4 confers enormous benefits on the Irish tenants, why should you not, as the hon. Member for Cork (Mr. Parnell) suggests, postpone the consideration of Clause 4 until you can look at the Bill as a whole without Clause 4, and judge fairly of the effects of the clause? Is that an unreasonable proposition? I quite recognize that the Government have solid and good reasons for proposing Clause 4, but I do not think the Government will contradict me when I say that there are grave doubts as to the uses which may be made of Clause 4 by certain parties. Now, always sticking to the question of postponement, what I wish to point out is this, what the Government have to do at this period of the Session is to avoid as far as they can without a limitation of their Ministerial responsibility unnecessary contentious matters. What they have to fear in Ireland is not the action of the Irish landlords as a body, but the action of certain landlords. It has been only a certain section who have taken advantage of the law. Now, suppose the Government agree to postpone Clause 4; suppose they wait till the whole Bill without Clause 4 has been passed through Committee; and suppose they then consider the effect of the Bill on social order in Ireland with regard to the prevention of harsh and unreasonable evictions; and suppose they then say to themselves—"This Bill as it stands now will, in our opinion, not so adequately provide against harsh and unreasonable evictions, and against disturbance of social order from which harsh and unreasonable evictions may arise as we think it should," then it would be in their power to bring up Clause 4 at the end of the Committee. I do hold, and I venture to speak with some positiveness and confidence in this matter, that Clause 4 raises at this stage of the Bill unnecessary contentious matter, and raises, in spite of all the plausible reasons which may be advanced in favour of it, the gravest doubts as to the use to which it may be put by certain landlords, and remembering always that it is certain landlords and not the body of landlords who have continually exercised and given trouble to the Irish Government, I do appeal to the Government within the limits of the ruling of the Chair to consider, without prejudice, whether they would not get on rapidly with their Bill, whether they would not put the Committee into a most reasonable and harmonious frame of mind, and further, whether they would not secure great credit to themselves as an Administration capable of carrying through Parliament a Bill full of difficult and controversial questions without unnecessary discussion, if they consented not to the abolition of Clause 4, not to the abandonment of the clause, but merely consent to this, urged upon them by one who, whatever he may be, has not proved himself an enemy of theirs, to postpone this clause until the end of the Bill, and then, after considering the effect of their Bill as it stands without the clause, to make up their minds as to whether the clause is necessary or not. I pledge myself to the Government that, if they adopt the course suggested, and if after carrying the rest of the Bill through Committee they still consider it necessary to proceed with the clause, I shall not have one word to say against the clause.

COLONEL SAUNDERSON (Armagh, N.): In the few remarks I have to make, I shall confine myself to the proposal that the consideration of this clause be postponed. The hon. Member for Cork (Mr. Parnell) has advocated the postponement of this clause, because, he says, that proceeding with its consideration now, may disturb the harmony which, to present appearances, reigns in this Committee. I must say, Sir, as an Irish landlord, as one of that unfortunate class which is now being dealt with, that the harmony which appears to exist in the Committee at the present moment is not such as gives me, at any rate, unbounded satisfaction. I sometimes feel inclined to compare myself to that well-known animal, the eel. If it could speak, I wonder whether the eel could feel any satisfaction at the fact that those who were about to skin it were in an exceedingly good humour in anticipation of the operation. I think that the Committee should deal with this matter quite apart from any feelings of harmony, should deal with it purely and simply as a matter of justice. I hope that the desire to maintain the harmonious frame of mind in which the Committee is said to be may not influence the Government to postpone one of the most important clauses of this Bill. My noble Friend the Member for South Paddington (Lord Randolph Churchill) has advocated the postponement of the clause, although he does not appear to think he has much influence with the Government. If the Government consent to the postponement of this clause, we shall be led to believe that they adopt that exiguous policy, whatever that is, spoken of by the noble Lord. I must say I do not think it will redound to the credit of the Government if they consent to postpone one of the most important clauses of the Bill to satisfy the good humour which at present reigns for a short time—I am afraid only for a short time—below the Gangway opposite, or to satisfy the exiguous proclivities of my noble Friend. The hon. Members below the Gangway opposite hate this clause, and I well understand why. They live upon evictions, and they would have no ground for their policy if they did not have evictions. This clause does away, at any rate, with double evictions. It will, at any rate, prevent those evictions being made so admirably to suit the political ends of hon. Gentlemen below the Gangway.

MR. SEXTON (Belfast, W.): Are we discussing the clause now.

COLONEL SAUNDERSON: I hope the Government will stick firmly by this clause, that they will proceed at once to its consideration, and not allow themselves to be diverted from a course which I believe to be pursuant to the ordinary course pursued by the House, because the postponement of this clause would, to my mind, be tantamount to a consent to its abandonment.

MR. A. J. BALFOUR: My noble Friend the Member for South Paddington (Lord Randolph Churchill) has proposed to the Government a course which I fully anticipated—judging from the speech he made upon the second reading of the Bill—he would urge upon us, because on the occasion of the second reading he expressed views in regard to the clause by no means favourable to its general merits. I understand he has put before the Government two alternative policies. One is to embody this clause in a separate Bill.

LORD RANDOLPH CHURCHILL: No, I never said anything about that. What I asked the Government to do was that if they wished to ascertain the true merits of this clause to consider it as if it were a separate Bill, and not connect it with the other clauses of this Bill.

MR. A. J. BALFOUR: I am rather surprised at that argument, because it appears to be contradictive of the argument the noble Lord advanced in a later part of his speech. He advised us to defer the clause until we could consider it in relation to all the other clauses of the Bill, and not as a separate clause. The argument he urged in the first part of his speech did not appear to be wholly consistent with the view he expressed at the end of his speech. What would the Government gain by postponing this clause? If we wished to abandon it, no doubt we might break our fall, so to speak, by postponing it. We might cover the appearance of giving up what we believe to be an important principle, and finally the abandonment of the clause might under the circumstances pass almost unnoticed. But if we do not mean to abandon the clause what should we gain by postponing it? The noble Lord has suggested that what we should gain would be the power of looking at this clause in relation to all the other portions of our measure. I do not think any alterations are likely to take place in this Bill which will in any way affect our estimate of this clause; our estimate of this clause might be affected if Clause 22 of the Bill were abandoned. If the Committee were to induce us to abandon clauses on which we rely for stopping harsh evictions, then it might be that we should feel that this clause should be abandoned. But from what I have been able to collect there is no section of this House, belonging to any Party they may, who desire us to modify, at any rate to weaken, any part of our Bill which is intended to stop harsh evictions. If the clauses of our Bill pass in their present form, or even, as I think they will, in a strengthened form, then no change is likely which can by any possibility induce the Government to think they were ill-advised from the point of view of Irish Government, in bringing this clause before the House. I really do not see what we should gain by carrying out the policy of the noble Lord, except those advantages to be derived from delay, which, I thought, in another part of his speech, he rather sneered at when they were employed in a different sphere of Government. I should be entirely out of Order in discussing the merits of this clause; but I must enter my protest, at this early stage, against the doctrine laid down by the noble Lord to the effect that the clause will merely postpone evictions without diminishing their number. It is the opinion of the Government that it will diminish Irish evictions, and it is because we believe that, and because we believe it has other merits, that we shall be glad to dilate upon during the progress of the clause, that we feel we cannot abandon the direct and straightforward course; but that we must take this clause and pass it through in the order in which it appears in our measure.

MR. T. M. HEALY: May I point out that the right hon. Gentleman the Chief

Secretary has somewhat understated the effect of postponing this clause. He has stated in reply to the noble Lord the Member for South Paddington (Lord Randolph Churchill) that the only effect of postponing this clause would be to break the fall of the Government if they meant to abandon it. The right hon. Gentleman has forgotten the point made by the noble Lord—namely, the effect upon the minds of the Irish Party of the passing of the subsequent stages of the Bill in relation to the clause now before us. It is just possible, after we have seen the rest of the Bill shaped and moulded, that we may look favourably upon this particular clause as a means of doing something to stop harsh and unreasonable evictions, and it is upon that ground that I support the proposition for the postponement of the clause. The hon. and gallant Gentleman the Member for North Armagh (Colonel Saunderson), whose incursions into these debates we are always happy to receive, has rather sneered at the fact that the Irish Nationalist Members are, as he says, in a good humour. That, to him, was a matter of no account. Surely we are the representatives of the Irish people, and it may be presumed that our good humour might radiate and affect the four and a-half millions of people we represent. It has been said we are in a good humour—I say nothing as to the quality of the good humour—and that being so, I ask, is it a small matter that good humour should prevail on our part in view of the fact that the Irish Government have found themselves compelled to proclaim all the counties in Ireland under the Coercion Act? I invite the Government to look at the position assumed by my hon. Friend the Member for Cork (Mr. Parnell). It invariably happens that in all Parties there must be more or less division of opinion as to the way in which clauses should be contested or fought, as to whether particular points should or should not be pressed; but what the Government must have recognized is the reasonableness of the course suggested by the hon. Member for Cork. Seeing that the claim of the Government is that certain subsequent clauses of the Bill will prevent the carrying out of harsh evictions, we are entitled to consider this clause not as if it were the 4th clause of the Bill, but as if it were the 36th. There are 35 clauses in the Bill, and the Bill, as a whole, is described as "A Bill for preventing harsh evictions." Surely, Mr. Courtney, this clause can only be a subsidiary clause, and from the point of view of draftsmanship, I urge upon the Government that we are entitled to have the full scope of the proposals of the Government before us before we address ourselves to the consideration of this clause. I hope I have said nothing which can import any element of unpleasantness into this discussion. The Government must remember that we are anxious in a high degree that this Bill should pass; we have not disguised from the Government that anxiety. When the Bill of the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) was before the House in 1881, the Irish Party took up a certain attitude in consequence of the attitude of the House of Lords. We know that this Bill will pass their Lordships, and therefore there is no reason for disguise on our part. We, on the part of the people of Ireland at large, are anxious to prevent Irish evictions. We are anxious for the passage of this Bill in the best shape it can be moulded into. Under these circumstances, I consider the recommendation of the noble Lord (Lord Randolph Churchill) ought to find favour with the Government. We have always found the noble Lord a practical politician. [*Laughter.*] I trust hon. Gentlemen will understand my words in the sense I intend them. I say we have always found the noble Lord a practical politician, and I mean that he is a man who understands the House of Commons, and he treats men as men, and not as statues or creatures without feeling or passion. Under these circumstances, I do hope the Government will not be heedless of his recommendations. A hostile attitude on the part of the Government in this matter can do no good, and may be provocative of much mischief. What is to be gained by refusing to adopt the suggestion of my hon. Friend (Mr. Parnell)? We will not accept the consent of the Government in any sense as a triumph, or in any sense as a virtual abandonment of the clause. We will simply accept it as a postponement of strife until we can see into what shape the rest of the Bill is moulded by the Committee. Seeing that we are almost at one upon the general scope of the measure, I earnestly hope the Government will agree to the present Motion. I must, in conclusion, deprecate one observation which fell, no doubt in a hasty moment, from the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith). The right hon. Gentleman, who is seldom hasty, said that if this Bill were delayed the Government would be obliged to drop it. I think he will find some difficulty in reconciling that observation with the previous declarations of Her Majesty's Government. Of course, it is difficult to reconcile all the declarations of Her Majesty's Government in regard to this Bill with the Bill as it is now proposed; but that is a matter I do not care to enter upon now.

MR. JOHN MORLEY (Newcastle-upon-Tyne): I have an Amendment on the Paper for the rejection of this clause, and therefore it may seem to the Government that any advice or counsel of mine is more or less suspect. But I assure the right hon. Gentleman that it is with no sinister view upon the future prospects of the Bill that I venture to support the contention of the hon. Gentleman the Member for Cork (Mr. Parnell) and of the noble Lord the Member for South Paddington (Lord Randolph Churchill). On the contrary, as has been stated by previous speakers, we are all deeply interested, and thoroughly intent upon the passing of this Bill in as efficient a shape as possibly may be for its great object—namely, the prevention of harsh and unjust evictions. Now, the Government have no doubt up to this point fairly met the spirit of the bulk of the Committee. There is no doubt that the reception that they have given to the various Amendments which have been proposed has been thoroughly fair, and on the whole animated by a just spirit. Why on earth should there now be any interruption of that spirit? As I understand, the hon. Member for Cork has stated a very good and business-like reason why this clause should be postponed. There can be no reason, on the other hand, why the clause should particularly figure as Clause 4. The clause will be just as operative if it comes at the end of the Bill as if it comes in the middle of the Bill. The care of the Committee is, and should be, that we should get as far on as we possibly can with the Bill, upon the clauses and provisions of the Bill upon which we can get the greatest amount of agreement. The great object of us all must be to get through the Bill as quickly as we can; but if a highly contentious matter of this kind be introduced now the thread of the discussion will be broken, and the harmonious spirit which has distinguished the discussion of the Bill last night and to-night will be seriously disturbed. So far as we in this part of the House are concerned, it is not merely because we object to the clause, but it is because we are in earnest in desiring the Bill to pass in an efficient shape that we strongly concur in the Motion of the hon. Member for Cork (Mr. Parnell).

MR. CHANCE (Kilkenny, S.): I assume it would be quite out of Order to discuss in detail the provisions of Clause 4; but I hope that by the indulgence of the Committee I may be allowed to point out as an argument in favour of the postponement of this clause, that, so far as I can gather from the speeches made in this debate, the principle of this clause is completely misunderstood. The hon. and gallant Gentleman the Member for North Armagh (Colonel Saunderson) and the right hon. Gentlemen on the Treasury Bench who have spoken upon this question, have very plainly stated that the operation of this clause is not to diminish, but to postpone evictions. I think it will be found by hon. Members, if they read the clause carefully, that the whole postponement of evictions only amounts to three days.

MR. DILLON: I think it unfortunate, Mr. Courtney, that we should find ourselves, after two nights of very satisfactory progress of Business, plunged again, practically speaking, into the Crimes Act. Surely the Government might have been content with the Crimes Act for two or three months, and might have refrained from introducing into such a Bill as this an enactment which would far more appropriately find a place in that Act. If the Government wanted a clause of this character, why did they not place it in the Crimes Act instead of in the Land Bill? We have just heard a speech from the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) in a tone which reminded me strongly of the Crimes Act debates—a speech full of menace and threat. The right hon. Gentleman spoke of pushing this clause through the House for better or for worse. That is a nice tone in which to approach the Irish Members. The clause is to be forced through this House, in spite of our most determined opposition, for better or for worse. In the beginning of his speech the right hon. Gentleman let slip an old conventional phrase. For the thousandth time we heard the old familiar words "a clause necessary for the better government of Ireland." We have had enough of "the better government of Ireland," in the shape of the Crimes Act——

The CHAIRMAN: I must point out that the hon. Member is straying from the point, which is the postponement of the clause.

MR. DILLON: I may have been straying from the point, Mr. Courtney, and I beg your pardon. My reason for supporting the postponement of the clause is this, that we can hardly exaggerate the evil effect on the temper of the Committee, and on its capacity for carrying this Bill through Committee in a proper frame of mind if we are to have a desperate fight over this clause, and the clause is to be shoved down our throats by the frequent use of the clôture. It would have an almost incalculably injurious effect on the temper of the Committee. From the time the Government indicated that they were about to change their policy and to offer some substantial concessions to the people of Ireland, we have endeavoured to meet them in a fair spirit. We have endeavoured to forget the past, and, although the time has been so short, to approach the consideration of the Bill as if we had not just been subjected to a Crimes Act. Now, this is all to be done away with, and we are to be plunged into the consideration of a clause like this which is contentious in the highest degree. The right hon. Gentleman the Chief Secretary for Ireland asked for a definition of what was contentious matter, and he said that we regarded as contentious matter everything which was for the benefit of the landlords, whilst we thought that everything for the benefit of the tenants was non-contentious. Why, was not this Bill brought forward for the benefit of the tenants? I reply to the right hon. Gentleman by saying that when he introduces into a Bill, professing to be for the protection of the Irish tenants and for the prevention of evictions, a clause which I can only characterize as a fresh machinery for the facilitation of harsh evictions, I am inclined to characterize that as contentious matter in the highest degree. Hon. Members may have observed, some with regret, the continued absence from this Committee, and the dejected air when he was present, of the hon. and gallant Member for North Armagh (Colonel Saunderson). But to-night, when the postponement of this clause was proposed, he was on his legs in a moment. There is not the slightest doubt in his mind as to what the object and intention of this clause is. If we wanted any evidence as to the contentious character of this clause, we had it directly we saw the hon. and gallant Member for North Armagh in his regular Crimes Act attitude, with his war paint on and ready for conflict. That is evidence that we are now on the threshold of a provision which is in the highest degree contentious. And let me say, Sir, without at all entering into the details of this clause, but sticking strictly to the question of adjournment, that for my part I regard this clause as deadly to the interests of the Irish tenants, and, whenever it comes on for discussion, I shall exhaust every form of this House in order to convince my constituents that I have not failed to make every exertion in my power to guard them against one of the most deadly stabs ever aimed at the interests of the Irish tenant. I shall not enter into the merits of the clause, as you, Sir, have ruled that that would be out of Order; but I should like to mention one point. The right hon. Gentleman the Chief Secretary for Ireland asked what would the Government gain by consenting to the postponement of the clause. I answer that they would gain enormously. In the first place, we should be able to deal with the whole of this Bill in the same spirit as we have dealt with the first few clauses. We should get through the discussion of the Bill without a wrangle or a fight. There cannot be a doubt that we should get through the Committee stage of the Bill much more rapidly. But that is not all that is to be gained. I maintain that, if we can come to any terms with the

Government in the course of the discussion on this Bill, if we find ourselves at the end of the Committee stage justified in saying that we look on the Bill as a measure which will put a stop to harsh evictions in Ireland and afford real relief to the tenantry of Ireland, the Committee will perceive that there is no necessity whatever for Clause 4. What would be the necessity for a clause dealing with evictions, if you have carried a measure putting a stop to harsh evictions. There is never any other kind of evictions in Ireland than harsh evictions. There may be perhaps half a dozen evictions a-year of drunken and broken-down men, but the Irish tenant never leaves his home unless he cannot possibly help it; and, therefore, if you pass a measure which will have the effect of stopping harsh evictions, you will have no necessity for this clause. If this Bill shows any prospect of attaining its object, the universal opinion of this Committee will be that there is no necessity for Clause 4, because we shall be able to look forward to a breathing space, in which we shall be spared evictions in Ireland, and then, at the end of what I hope will be a peaceful and fruitful discussion, the Government will be able to say that the clause is entirely unnecessary.

MR. W. H. SMITH: The speech just delivered by the hon. Member for East Mayo (Mr. Dillon) has made it quite clear to the Committee that the real object of endeavouring to obtain a postponement of Clause 4 is to postpone a dispute and a difference which would be as bitter at the end as at the beginning. The hon. Member for East Mayo has told us that, at whatever time this clause is taken into consideration, he will give it his most uncompromising opposition, because he regards it as a most deadly stab at the interests of the Irish tenant. We know, therefore, perfectly well that whether we encounter that opposition at the end of the Committee stage or now, we shall have to encounter it. If it was possible to disarm the opposition of hon. Gentlemen opposite without any sacrifice of principle, we should be glad to do so. But we believe this clause to be necessary in the interests of the tenant. [*Laughter.*] I never laugh at the observations made by hon. Gentlemen below the Gangway when they take a view in opposition to my own, and I venture to think that I am entitled to say what I believe. I say we believe this clause to be necessary in the interests of the tenants of Ireland and in the interests of the peace of Ireland. We believe it will stop harsh and unnecessary evictions, and that it will save a vast amount of pain and sorrow and trouble. Holding that conviction most completely and thoroughly, we cannot abandon the clause; and if we are called upon to face the uncompromising opposition of the hon. Gentleman and those who are associated with him—painful as it will be to us, and deeply as we shall regret having to meet it at all—we prefer to meet it in the order in which the clause stands in the Bill rather than appear to give way when we do not really intend to give way, and when we intend to hold to the principle involved in this clause. We prefer to meet the opposition now in the best temper we possibly can, and without desiring in the slightest degree to raise any angry feeling that can by any possibility be avoided, rather than meet it after discussion which may last one or two or three days. No, Sir; I hope and trust that this measure will be, as described by the right hon. Gentleman the Member for Newcastle-upon-Tyne (Mr. John Morley), a just and considerate measure, and a measure for the advantage of the tenants in Ireland. It has been proposed in that spirit by the Government, and is being carried through the Committee in that spirit by the Government. There has been no reasonable suggestion made by hon. Gentlemen below the Gangway which we have not been desirous of adopting; and if it can be shown that there is any provision in the clause which is not necessary, we shall give any suggestion made with a view to Amendment the most careful consideration.

MR. JOSEPH CHAMBERLAIN (Birmingham, W.): Mr. Courtney, I think there can be no doubt whatever that those who support the postponement of this clause do so because they are hostile to the clause. A postponement is only suggested as a step in the direction of a withdrawal of the clause. And this desire for the withdrawal of the clause proceeds from two separate reasons. It comes, in the first place, from those who consider that the clause is, in itself, a bad clause, and who see in it, as has been just stated by the hon. Member for

East Mayo (Mr. Dillon), a deadly blow struck at the tenants of Ireland. They believe it to be wrong in every respect, and are prepared to give it an uncompromising opposition. They do not see their way at the present moment to defeat it, but they hope to postpone it, and probably they calculate that when the Committee is wearied with the discussion, it may consent to its withdrawal. Another suggestion for the postponement is made by those who are not altogether — not necessarily, at all events—hostile to the clause as it stands, but who have in view the undoubted difficulties in which the Committee will be placed if the Government determine at once to proceed with it. No doubt, in its present shape, the clause is, I believe, under an entire misapprehension, opposed by the bulk of the Irish Members, who will give to it that kind of opposition with which the House is familiar. Well, Sir, under these circumstances, I can well understand that many hon. Members may think that the Government should take into consideration the time of the Session, and that, unless they can say that the interests of the country and their own position as a Government are intimately concerned in the maintenance of the clause, they should be prepared to abandon it as altogether unnecessary. That is a view which may be urged with great force on the Government, and which, I have no doubt, the Government have fully considered. It is a matter entirely for the responsibility of the Government. If they think it is impossible for them to yield to that consideration; if, after the threats of the hon. Member for East Mayo—we need not mince words, and we are bound to say distinctly that threats have been used——

MR. DILLON: What kind of threats?

MR. JOSEPH CHAMBERLAIN: The hon. Member has used threats which are familiar in the mouths of the Irish Members——

MR. PARNELL: I rise to Order, Sir. I wish to inquire whether the right hon. Gentleman is entitled to say that my hon. Friend has used threats?

THE CHAIRMAN: I do not observe anything out of Order.

MR. JOSEPH CHAMBERLAIN: The hon. Member for East Mayo has said, in language which we have often heard from the same quarter, that if this clause were persisted in, he would think it his duty to exhaust every form of the House in opposing it. We all know perfectly well what that means. We have had experience of the capacity of the Irish Members to exhaust every form of the House, and to exhaust the House in the process. I say that it is a distinct threat; and, looking at this proposition in view of that threat, I shall accept the decision of the Government as final and satisfactory upon their responsibility. Well, now, I have said that the objection to the clause is of two kinds. There is the objection based upon the difficulty in which the Committee will be placed if the clause is persisted in; and there is also the objection on the merits. I think the Committee will be placed in great difficulty by the ruling which you, Mr. Courtney, have most properly given, directing us not to discuss the merits of the clause. I must, at the same time, refer to one statement of the hon. Member for East Mayo. The hon. Member says he believes this clause is a deadly blow struck at the Irish tenants. If he can persuade me that that is a fact, I think I shall be inclined to join him in exhausting every form of the House in opposition to the clause. I do not think, however, that this clause is against the interests of the Irish tenants. I believe it is in favour of the tenants; I believe that it is one of the most important provisions of the Bill, and that it carries out the object of the Bill in so far as putting a stop to harsh and unnecessary evictions is concerned. It is admitted that what it does is to postpone—[An hon. MEMBER: No, no!] An hon. Member below the Gangway contradicts me before I have said anything. I suppose it may postpone something. Perhaps the hon. Member will wait to hear what, in my judgment, the clause postpones. I say I believe it is admitted that the effect of this clause will be, in some measure, to postpone the eviction. In place of the eviction which now takes place as the first proceeding, there will be the notice, and the eviction, when it comes, will come six months afterwards. [*Cries of* "No, no!"] Well, let hon. Members put their own view when their time comes. That is undoubtedly the intention of the clause. But it is said that the very fact that the first process is such an easy process, and that it does not lead to an eviction with all the odium which an eviction brings on the landlord, will induce a multiplication of the first process, and will in the long run lead to a multiplication of evictions. That is a serious objection if a justifiable one, and I want to ask one question. Am I not right in the assumption I make that before the first process, the serving of the notice, can take place, the equitable jurisdiction of the Court under Clause 22 will intervene? I am precluded from discussing the matter in detail, but I do beg hon. Members below the Gangway to consider that point. That is my view, and that is the view of the Government. If the clause does not carry out that view, I have no doubt the Government will be prepared to amend the clause in order to carry it out. As regards the tenants who come under the Equitable Jurisdiction Clause, the equitable jurisdiction of the Court will be interposed before even the service of the notice can take place. I see that an hon. Gentleman below the Gangway shakes his head. I again impress upon him that that is the intention of the Government. I say let us get to the clause and discuss it, and if we find that the intention of the Government cannot be carried out, let us amend the clause so that it may be carried out. Now, I proceed one step further. If I am right, if the clause, as it stands at present, does interpose this equitable jurisdiction, and if the Government are willing to amend it in that respect if it does not, I ask the hon. Member for East Mayo, who is, I am sure, perfectly fair in matters of this kind, when he thoroughly comprehends the question, can he say that, under the circumstances, this is a measure which will not postpone evictions?

MR. DILLON: Clause 22 does not do that.

MR. JOSEPH CHAMBERLAIN: Clause 22 interposes the equitable jurisdiction of the Court as to whether or not there shall be a stay of proceedings——

MR. DILLON: Up to £50.

MR. JOSEPH CHAMBERLAIN: Yes, I know; and when we come to discuss the clause it will be very proper to consider whether or not that equitable jurisdiction shall be extended to cases of over £50. But I say that if we go up to £50 we shall cover 999 out of 1,000 harsh evictions. There are very few harsh evictions above £50; therefore it is hardly worth while to interfere with the argument for such a point as that. But the 22nd clause interposes the jurisdiction of the Court when the landlord proposes to serve a notice under Clause 4 to say—"No; under the circumstances that have been brought to our notice we order a stay of proceedings." Thereupon it intervenes in the method proposed under Clause 22. Then I say, under these circumstances, that I deny altogether that it can fairly be said that Clause 4 strikes a deadly blow at the tenant, or tends to encourage harsh evictions. One word more before I sit down. Suppose after we have dealt with the Bill and made all the Amendments we can make in the interest of the tenants and in justice to all parties, suppose this clause still remains in the opinion of hon. Gentlemen below the Gangway an objectionable clause, is it to be their contention that every line of this Bill—which is a large measure, a generous, a liberal measure, which they admit they desire to see passed—is it their contention that every clause, every line, every word, in the Bill shall satisfy their views? If so, I might complain of them as Canning complained of the Dutch—

> "In matters of commerce the fault of the Dutch
> Is giving too little and asking too much."

It is all very well to talk of the harmony of our proceedings; but is that harmony only to be sustained by conceding everything to the view of a small section of the House of Commons? I think hon. Members will see that is really an impossible condition.

MR. SEXTON: We have been beaten in 10 Divisions.

MR. JOSEPH CHAMBERLAIN: The hon. Member interrupts me to say they have been beaten in 10 Divisions, and that leads me to make another remark. What is the nature of the harmony that has accompanied our proceedings? Up to this time we have been dealing with the most magnificent concessions ever made to Irish tenants. [*Cries of* "No, no!"] Yes. I say the Government, with the assent of all Parties in the House, have now made concessions to Irish tenants that have been refused by all previous Governments; that when suggested by minorities in the House have been denounced by the Government of the day as breaches of economic law and of the sanctity of contract, that could not by any possibility be entertained. All that has gone to the winds, and enormous concessions are made by the Government. Well, it is upon these concessions that hon. Gentlemen have taken 10 Divisions, and complain that they have been beaten in them. Well, I do not see the force of the complaint of hon. Members below the Gangway. If they had said, when Clause 1 was under consideration—"Here is a magnificent concession; we admit its generosity; we will not haggle over it; we will ask for nothing more; we will take it for what it is;" then they would have some ground for saying, when we come to a clause they oppose—"Now we have cause to press our objections." But not a bit of it. They press for further concessions, and we know that that is always the case. In the first instance, a grievance is brought forward in moderate terms. It carries conviction to every mind in the House. But when the House of Commons agrees to deal with that grievance there is no acceptance of the settlement by hon. Members below the Gangway; but the concession is made the ground for further demands. Well, I have been drawn further into contentious matter than I intended by the interruptions to which I have been subjected; but I do not complain of them at all. In conclusion, let me say even if this clause, when the Bill is passed, is considered an objectionable clause by hon. Members below the Gangway, I ask them to treat this matter as one of account, and to consider the balance of the account.

An hon. MEMBER: How about the Crimes Act?

MR. JOSEPH CHAMBERLAIN: Well, Mr. Courtney, I do not think you would allow me to discuss the Crimes Act on the question of postponing this clause. But I will only say I know perfectly well what are the views of hon. Members about the Crimes Act; and if they think it necessary to throw them into the account, then I say it is absolutely impossible to satisfy them, and I would advise the Government not to try.

DR. CLARK (Caithness): I beg to move that you, Sir, do report Progress. A very important measure is waiting to come on, and unless it is considered and passed without delay it will be useless. We waited until 2 yesterday morning to deal with it, but could not do so, because of the time occupied in other Business. If the Government like to accept the responsibility of dropping the Bill let them do so; but if not, then the Bill must be considered now. It is time to remember that there are other parts of the Three Kingdoms in existence besides Ireland. Scotland exists. The measure is one upon which social order in part of that country depends. I think, as it is now 20 minutes to 1 o'clock, and that we waited until nearly 2 yesterday, the Government should now give us an opportunity of considering the Lords' Reasons for disagreeing with our Amendments to the Crofters Bill.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Dr. Clark.*)

MR. W. H. SMITH: I must ask the Committee to come to a decision on the question of postponing the clause. The discussion we have had has, I think, exhausted that subject, and that question being decided I shall then be prepared to consider the question of reporting Progress.

Question put.

The Committee *divided:*—Ayes 112; Noes 220: Majority 108.—(Div. List, No. 323.) [12.35 A.M.]

Original Question again proposed.

MR. MAURICE HEALY (Cork): The right hon. Member for West Birmingham (Mr. Joseph Chamberlain) had concluded his observations by recommending the Government. whatever they might do in their Bill, to take care to do nothing to please the Irish Members. Of course, we who are familiar with the right hon. Gentleman's later manner are not surprised at his tone; but whatever his views may be, we have reason to be grateful to him for supplying an unanswerable reason why the Motion before us should be carried. He has given ample reason for postponing this clause, because hitherto we have been dealing with the proposals of the section as they affect subsequent proposals in the Bill as it stands in its present form. But the right hon. Gentleman tells us, with that special knowledge he sometimes assumes as to what the Government are going to do—I do not know whether rightly or wrongly—that the Government have several valuable concessions to make that will entirely reconcile us to Clause 4. That is an unanswerable reason for postponing Clause 4 until we see what these valuable concessions are. We are quite willing to attach the greatest weight to what the right hon. Gentleman says as to the value of these concessions; but we desire to see them on the Paper, and know exactly what it is the Government propose. We do not wish to take all these important matters on trust, and to accept his observations, until we see exactly how we stand. That being so, I hope my hon. Friend will press his Motion, and that the Committee will accept it as a reasonable one.

Mr. MAHONY (Meath, N.): In listening to the right hon. Gentleman the Member for West Birmingham (Mr. Joseph Chamberlain), I was very much struck by the great stress he laid upon Clause 22, and it did strike me as one of the strongest arguments that could possibly be brought forward for postponing the consideration of this clause until we know what Clause 22 is going to be. And I would call the attention of the Committee to another matter. In this Clause 4 the Government are not adopting the recommendations of their own Commission; they are adopting a perfectly different method of gaining the object the Cowper Commission had in view. I merely throw this out as a suggestion to the Government. Would it not be possible for them to assent to the postponement of this clause; would it not be possible—if the other clauses of the Bill are made a reality, and afford real protection to the tenants against harsh evictions—with the concurrence of the House, to adopt in some different form the recommendations of the Cowper Commission? I do not say it will be, but it might be, possible for them to protect the tenant to such an extent that our hostility to the recommendations of the Commission might, in another form, be a great deal less than it is as the Government now propose to carry it out. I throw this out as a suggestion to the Government to reconsider the clause, which, if they force in its present form, must meet with our bitter hostility. We do not know what Clause 22 is going to be, so the argument of the right hon. Gentleman falls to the ground. His argument was based on the protection afforded by Clause 22, as to which we know nothing at present. The right hon. Gentleman asked what the Coercion Bill had to do with the present clause, and why it should be thrown into the balance; but surely the Dissentient Liberals threw it into the balance with their own convictions when they voted for coercion as a balance to this remedial measure. We contend that you will, to a very large extent, destroy the remedial effects of this measure by this clause.

The CHAIRMAN: This is not quite speaking to the question of postponement.

Dr. COMMINS (Roscommon, S.): If the Committee will allow me a few seconds before we go to a Division I will not longer protract the discussion. I have listened attentively, but I have failed to hear one single argument in favour of the retention of the clause in its present position. The question is not on the merits of the clause. The panegyric on the great benefit it will be to the tenants of Ireland, so feelingly bestowed by the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain), is altogether beside the mark. It may be all his fancy paints it, or it may be what we believe it to be, merely a further instalment of the Coercion Act; but the question is, ought it to be discussed now or at the end of the Bill? Now, naturally, and in the logical order of things, execution comes after sentence, and eviction can only take place after all attempts at reconciling landlord and tenant have failed. When all remedial measures proposed to be introduced have failed in their effect, eviction comes in the last scene of all. Why, then, introduce a discussion of the method of eviction in the middle of the Bill? Is it intended for the purpose of shipwrecking the Bill, that the Government might get the credit of the concession they are willing to make now, but which they are ready to throw over if we discuss this section longer than they think sufficient? Threats have been spoken of; is there a threat in this? Why not have this clause at the beginning or the end of the Bill; in the middle it certainly is not in its proper place. We ask you what is to be the position of the Irish tenant; what is to be the law that regulates his relations with his landlord; what is the procedure by which he may be protected from his harsh landlord? Let us know these things before we come to the method of exterminating him. I really cannot see any reason for inserting the clause here, and there are strong reasons for postponing it.

MR. HUNTER (Aberdeen, N.): I beg, Sir, to move that you do now leave the Chair.

THE CHAIRMAN: Order, order! The Question is, that this clause be postponed.

Original Question put.

The Committee *divided*:—Ayes 150; Noes 212: Majority 62.—(Div. List, No. 324.) [1.5 A.M.]

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. W. H. Smith*,)—put, and *agreed to*.

Committee report Progress; to sit again *To-morrow*.

CROFTERS HOLDINGS (SCOTLAND) BILL.

CONSIDERATION OF LORDS' REASON.

Lords' Reason read by the Clerk at the Table as follows:—

Reason of the Lords for disagreeing to one of the Amendments made by the Commons.

The Lords disagree to the Amendment made by the Commons in page 1, line 19, for the following reason:—

> "Because the Bill, as it left their Lordships' House, was simply a Bill to protect crofters who had made application under the Act from being made bankrupts pending the hearing of their cases by the Commissioners; but the Amendment of the Commons would introduce an important principle, not in the Bill as it left their Lordships' House, and one which, in the opinion of their Lordships, would constitute an undue interference with contract, and which, if applied to land, would equally apply to all other commercial transactions."

With this exception, the Lords agree to the Amendments made by the Commons to the Bill.

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): It will be remembered that this Bill was originally brought in in the other House, and it was a measure brought in for a specific purpose. It was discovered, on an examination into the probable operation of the Crofters Act of last year, that a mistake had been committed, and that that mistake was that the Bill, as passed through Parliament, left it so that in the case of any crofter, who, in any proceeding taken against him in a Court of Law should become bankrupt, he might thereby lose the benefit of the Act. It was thought, both in this House and in the House of Lords, that this was not fair or just, and that means should be taken by an amending Act to remedy the defect discovered in the Act of 1886. Accordingly, this Bill was brought in in the House of Lords, and sent down by that House to this, where it was discussed; and the result was that the Lords accepted almost all the Amendments to the Bill agreed to in this House, for the purpose of more completely carrying out the object for which it was introduced. But my right hon. and learned Friend the Member for Clackmannan (Mr. J. B. Balfour) brought in a clause, or, rather, an addition to a clause, which practically amounted to a new clause, by which the Bill was made to declare—

> "That this Act shall apply, notwithstanding that the crofter may have granted a bond, bill, or other document of debt for the rent due by him, or any part thereof, and if such rent or any part thereof in excess of the amount which the Crofters Commission shall determine ought to be paid, shall be recovered from the crofter by any *bonâ fide* onerous assignee, indorsee, or other holder for value of such documents as aforesaid, the crofter shall be entitled to repetition of such excess from the landlord or to credit in account with the landlord in respect thereof."

Now, I hold that that Amendment undoubtedly introduced an entirely new question into the Bill. I did not myself object to it for reasons I will state; but I would point out that those reasons tell both ways. The reason for the acceptance of the clause was that in one or two cases landlords had received bills of exchange for the amounts due from their tenants, and it was evidently open to the possibility that the landlords might put those bills into circulation in the ordinary way, by getting the amounts due upon them in the market, so that the holders of the bills might come upon the crofters to recover their money, and thus reduce them to a state of bankruptcy. But it will be seen that this introduces an entirely new principle into the measure—namely, that a written agreement between a crofter and his landlord may be set aside. The Lords having taken this objection to the Amendment adopted by this House, I shall move that the House of Commons agree to their Lordships' Reason. I do not think there need be much alarm as to landlords obtaining bills of exchange from the crofters. Although it is said that they will make use of these bills by putting them into the circle and raising the amounts due upon them, I feel satisfied that if any landlord should be so unwise as to try that course, he will find that he will be unable to get anything like a remunerative price upon such bills, because even the most active money-lenders who ever advanced money upon bills would hardly be inclined to advance money upon the bills of Highland crofters who are in arrear with their rent. The Lords have met this objection on the ground of principle, and I now move that this House do not insist on the Amendment.

Motion made, and Question proposed, "That this House doth not insist on the Amendment to which the Lords have disagreed."—(*The Lord Advocate.*)

MR. J. B. BALFOUR (Clackmannan, &c.): I have, Sir, to move, as an Amendment, that this House do insist on the Amendment to which the Lords have disagreed. In the Crofters Act of last year a provision was introduced in Committee which, in substance, gave the Crofters Commission power to deal with the question of arrears, and by Section 6, Subsection 5, it provided that when an application to fix a fair rent was presented, the Commissioners should have power to take into consideration the amount of arrears of rent due and determine what amount of those arrears should be paid. It was found that that Act was not so effective as I believe on both sides of this House it was intended to be, and a Bill for the purpose of remedying the defect was very properly brought in by Her Majesty's Government and introduced in the other House, from which it was in due course sent down to this. The main provision of that Bill is contained in Section 2, which provides that proceedings shall not be taken for the sale of a crofter's effects where there is an application to fix a fair rent; and the Bill further provides machinery for carrying out more effectually than was done by the Act of last year the plain, and I may say the admitted, intention of both sides of this House. It was represented to me that in certain cases crofters in the North of Scotland had been persuaded to grant bills of exchange to their landlords for the amounts due from them as arrears of rent, and the question arose whether such a procedure would not have the effect of depriving them of the benefits of the Act. It appeared to myself and others that it would be contrary to the intention of the Act of last year, and of the Bill of the present year, if the crofter, by giving even a written acknowledgment of a debt due in another form, should be deprived of the benefit of the Act—in short, if he who already admitted owing a debt to his landlord should be persuaded to acknowledge that debt by another process, and thus render himself liable to a procedure which would take away any advantage the Act was intended to confer. I certainly thought it would be an invasion of the principle of the Act if, directly or indirectly, any crofter, by being persuaded to give a second acknowledgment of his debt to his landlord, should thereby be deprived of the benefit of the Act. I do not here go into the question whether, if the Bill should simply remain in the hands of the landlord, it would be prejudicial to the crofter. I should be inclined to think it would not; but I am of opinion that it is far better there should be no doubt left in regard to the matter. But as to the other matter, where the crofter not merely has granted a bill, but where the landlord has done what, under the circumstances, he would clearly be entitled to do, and has discounted the bill and obtained money on it by putting it into the market, it would, of course, be impossible, where a bill has been so dealt with, to enter into any question with the person who has got the bill as to the matter of debt between the crofter and his landlord. Thus, therefore, a case was shown in which the object of the Act of last year would clearly be defeated, because by the granting of a bill which is passed from the hands of the owner for value the intention of the Act would necessarily be frustrated. It was with a view of remedying this defect that I moved the Amendment which was adopted by this House, and to which their Lordships have disagreed. The view which at the time I brought it forward was taken of that Amendment by the House of Commons may be gathered when I state that it was accepted by my right hon. and learned Friend the Lord Advocate, as representing Her Majesty's Government, as well as by the House at large, and it was, I think, accepted quite justly. It appeared to this House, without the slightest difference of opinion on the subject, that that Amendment was a necessary complement to the provision already made by the Act of last year, and that without it there might be some danger of that Act being in many cases rendered ineffectual. The Amendment was, consequently, agreed to, and the Bill so amended went back to the House of Lords. It has now been returned to us with the Amendment we agreed to struck out, and with a Reason for taking that course which, with great deference, I submit is no reason at all. I can only say, from the terms in which that Reason is couched, that those who drew it up in the other House, and who are responsible for the rejection of the Amendment, have entirely misapprehended its object and effect; and I believe that if they had understood its object and effect they would not have taken the course they have pursued, and would not have put forward the Reason they have assigned. Their Lordships say that—

> "The Bill, as it left their Lordships' House, was simply a Bill to protect crofters who had made application under the Act from being made bankrupts pending the hearing of their cases by the Commissioners."

That, I think, is not an unfair summary of the object of the measure; but unless this Amendment be accepted, it will be perfectly possible to make crofters bankrupt by procedure on these bills of exchange. They could be made bankrupts by the banks or holders for value into whose hands the bills may fall. Therefore, I say the Amendment is entirely in accord with the intention of the Bill. But let us look at the second part of their Lordships' Reason. They go on to say—

> "But the Amendment of the Commons would introduce an important principle, not in the Bill as it left their Lordships' House, and one which, in the opinion of their Lordships, would constitute an undue interference with contract, and which, if applied to land, would equally apply to all other commercial transactions."

Now, I think it is quite impossible for anyone who has been accustomed to read, even in the most casual manner, the pamphlets and other literature emanating from the Liberty and Property Defence Association, not to recognize very familiar language in this second part of their Lordships' Reason. But I put it to the House whether it is not plainly misapplied in this case, because the Amendment which I moved introduced no new principle. The whole question is whether arrears are to be considered and taken into view. That question was settled last year, and it was acknowledged this year. Therefore, it is not a question whether the arrears are to be taken into view or not; because, if the Crofters Commission think they ought not to be paid in full, they have power to give effect to their opinion. What new contract is there about a man acknowledging a debt? If he gives a bill or an I O U for the amount, what he does is not to make a new contract, but simply to acknowledge a liability already incurred. It is introducing no new principle whatever, and I submit that the idea that my Amendment constitutes an undue interference with contract is a wholly false accusation. What the House has to do now is to consider whether the proposal which I made, and which was unanimously accepted by the House, should not be adhered to. I do not propose to delay the House by prolonged arguments, but simply to submit that no sufficient reason has been shown for disagreeing with that Amendment, and that there must have been some disagreement or misunderstanding on the part of their Lordships. I shall move, therefore, as an Amendment, that this House doth insist on the Amendment to the Bill.

Amendment proposed, to leave out from the Question the word "not."—(*Mr. J. B. Balfour.*)

Dr. CLARK (Caithness): The statement of the right hon. and learned Gentleman (Mr. J. B. Balfour) has been so explicit that it is only necessary for me to add one or two words. Sir, this Bill gives nothing. It merely gives power to the Crofters' Commission to interfere, if they are satisfied that a landlord is trying to evade the provisions of the Act, with a view of stopping the proceeding of ejectment until they hear the case. Now, if you do not give them this power—and remember the composition of the Commission; it consists of a shipper, a factor, and a big farmer; not one of the crofters is represented upon it—the Act will be simply evaded; and very powerful evidence will be required before the Commission will act, if you do not, by this clause, make it compulsory upon them to do something. If the Amendment is not passed, the provisions of the Act will be used against the crofters; they will be made bankrupt, and they will be evicted, without a chance of ever making themselves heard. A good deal of kindly persuasion has been used by the landlords—the right hon. and learned Gentleman (the Lord Advocate) says only in two or three cases—but I know two landlords in my county, and one in Argyllshire—they are all Liberals, too—who, taking advantage of the fact that the Government will not carry out the Act, and appoint assessors, and valuers, and Sub-Commissioners, are saying to the tenants who are in arrear—"Unless you give us a bill we will at once evict you." I can produce numberless letters in which this statement is made, and numbers of the tenants have given bills on this condition. Now, all we ask is that persuasion of this sort shall be brought before the Crofters' Commission before the man is turned out and sold out; and that the Commissioners, if the evidence supports such statements as these, may interfere and prevent the eviction.

MR. FINLAY (Inverness, &c.): I desire to say a very few words in support of what has been said by my right hon. and learned Friend in front of me (Mr. J. B. Balfour). I do hope the House will adhere to this Amendment, which, as has been said, consists of two parts. To the first I cannot conceive that any solid objection can be advanced. It merely provides that a crofter shall not lose the benefit of the Act of last year by reason of his having given a bill for the rent which he owes to his landlord. Will any hon. Member of this House rise and say that it is unreasonable that such a provision should be made? If provision should be made in respect of a crofter's rent, surely it should also apply in the case of a bill given as security for the rent. The second part of the Amendment deals with the case of a landlord who has got such a bill and has discounted it. To this second part an objection has been raised by the right hon. and learned Gentleman opposite (the Lord Advocate) to this effect—that there will be very few such cases; and he apprehends that not many crofters' bills would be discounted in the market. I understood the Lord Advocate to say that there are cases in which the landlord has taken bills from the crofters for rent. Well, then, if he takes a bill, he takes it presumably for the purpose of discounting it. Then, in the second place, it is said that not many money lenders would accept the security of a crofter's bill. Perhaps not, if only the crofter's name were upon it; but he may take it with the landlord's endorsement. That brings me to the second part of the Amendment, which would prevent a landlord doing indirectly that which the Act already says the landlord shall not do directly. That is a just and equitable provision, and I hope the Amendment will be agreed to in its entirety.

DR. R. MACDONALD (Ross and Cromarty): I wish to say a very few words in support of the view taken by the right hon. and learned Gentleman the Member for Clackmannan (Mr. J. B. Balfour). The Lord Advocate says that the House of Lords have accepted all the other Amendments moved by this House; but the truth is that not more than half of them were accepted. But even if they had been, that is no reason why we should give way on this occasion. The Lord Advocate says there are only two or three cases in which bills have been given; but if he looks into the matter he will find himself very considerably mistaken. There is one estate in the North of Scotland where, I am told, all the business done between landlord and tenant has been in giving bills in this way. As to talking, as their Lordships do, about breaking contracts and agreements, I say the word agreement ought not to be used in this connection. What are the facts? If a man holds a pistol at your head and demands the contents of your purse, your purse is given under pressure; and so these bills have been given under threat of eviction. Then, again, the right hon. and learned Gentleman the Lord Advocate makes a point of the assertion that money lenders will not buy up these bills. Well, we have no money lenders in the North of Scotland, I am glad to say, except the banks. What we are afraid of is, not that the landlords will sell the bills, but that they will use them for the purposes of eviction; for we know by their previous conduct that they would be ready enough to do so. Now, I want to point out that the right hon. and learned Gentleman the Lord Advocate accepted this Amendment on the part of the Government without any discussion whatever. He thought it was so just that he accepted it without discussion, and now he comes to the House and says—"Oh, yes, that was so; but there is a new principle involved." There is no new principle involved, as has been well explained by the hon. and learned Member for Inverness (Mr. Finlay). I felt I could not give a silent vote on this subject. I think it is a very mean and contemptible thing for the House of Lords to insist on the exclusion of such an Amendment, considering that there are only a few hundred pounds involved altogether.

Mr. CAMPBELL - BANNERMAN (Stirling, &c.): I rise merely for the purpose of asking you, Sir, as to the effect which would be produced if the Amendment of my right hon. and learned Friend (Mr. J. B. Balfour) was carried. It is an Amendment insisting on an original Amendment which was inserted in this House. Perhaps you, Sir, would be good enough to tell us whether that would have the effect of endangering the life of this Bill. There is an apprehension of that in the minds of some hon. Members; and, naturally, there is no desire in any quarter of the House to endanger the Bill. If the insistance upon the Amendment in its present form would have that effect, it might materially alter the course we ought to pursue, and in that case I should be inclined to suggest that the debate should be adjourned.

Mr. SPEAKER: The Question I shall put from the Chair is—"That this House do not insist upon the Amendment with which the Lords have disagreed." It will not be competent to move any Amendment upon that, and the course taken by the right hon. and learned Gentleman the Member for Clackmannan (Mr. J. B. Balfour) will be to say "No" to that proposition. It may be competent, if the right hon. and learned Gentleman agrees to that proposition, to move afterwards an Amendment in the form of a provision, or any Amendment, in short, which may appear fit to the right hon. and learned Gentleman dealing with the subject.

Mr. CAMPBELL-BANNERMAN: I gather from that, Sir, that the proper course will be to agree to the Motion of the right hon. and learned Gentleman (the Lord Advocate) in the first instance, and then to endeavour in some way to amend the Amendment in order to remove the objections of the Lords.

Mr. SPEAKER: The right hon. Gentleman has rightly gathered my meaning.

Mr. J. H. A. MACDONALD: I have no right to speak again, except with the permission of the House; but, after hearing what has been said by my right hon. and learned Friend (Mr. J. B. Balfour), I have to say that certainly it is the wish of the Government, as it is the wish of all parts of the House, that this Bill shall not fall. I would suggest that the Motion that I have made should be agreed to, and that then some arrangement should be come to by both sides of the House. The debate might be adjourned for this purpose.

Mr. J. B. BALFOUR: Would not the more convenient course be—as I am quite sure that the Lord Advocate would be as sorry as we should be to see the Bill lost—to adjourn the debate at this point? We might then endeavour to arrive at some compromise or some understanding on a form of Amendment which would be satisfactory; therefore, before we proceed with the matter further, I beg to move that the debate be now adjourned.

Motion made, and Question, "That the Debate be now adjourned,"—(*Mr. J. B. Balfour,*)—put, and *agreed to.*

Debate *adjourned* till *Thursday.*

MARKETS AND FAIRS (WEIGHING OF CATTLE) BILL [*Lords*].—[Bill 317.]

(*Sir Richard Paget.*)

COMMITTEE. [*Progress 25th July.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 2 (Application of Act).

Mr. T. M. HEALY (Longford, N.): I should like to know why the word "legal" is introduced into this clause. I beg to move its omission. Supposing a prosecution is brought under this clause, and a conviction is likely to be obtained.

The owner of the tolls might set up the contention that this was not a "legal" fair or market, and so the whole onus of proving the legality of it would be thrown upon the complainant. If a man takes the tolls for a fair or market that should be presumptive evidence of the legality of that fair or market.

Amendment proposed, in page 1, line 12, to leave out the word "legal."—(*Mr. T. M. Healy.*)

Question proposed, "That the word 'legal' stand part of the Clause."

SIR RICHARD PAGET (Somerset, Wells): This word was inserted, after controversy, in "another place," and I have authority for stating that the word is of importance as giving an absolutely correct definition of the scope of the Bill. I am not personally acquainted with the details of the matter; but I am assured, on the highest authority, that the Bill has been drawn with great deliberation, and that every word has been well considered. I should think myself that the word is a necessary word, and is of itself a sufficient description, and that so far from encouraging litigation it will tend to prevent it. I hope the Amendment will not be pressed.

MR. T. M. HEALY: We are almost at one on this Bill. Supposing that I have a fair or a market in any country place, and it is a matter of doubt whether it is a legal fair or not, but still nobody contests my right, I choose not to set up a weighing machine, nor to comply with any of the provisions of this Bill. A man brings a pig to my market, and as I provide no weighing machine he proceeds against me. Then before the magistrates—who are most likely to be the friends of the market owner—I set up the contention that the complainant has got to prove that this is a legal market. The onus is thrown upon him, and that is all my point. I was not aware, until the hon. Baronet (Sir Richard Paget) mentioned it, that the subject had been a matter of controversy in "another place." If so, it strengthens my contention that it is a doubtful point, and I would respectfully urge that the word should be omitted. Then we should see whether the Lords would insist upon it. I think, if not, we shall be doing a very dangerous thing. If the legality of any of these fairs is in doubt, all the more is it necessary that we should make them comply with the law. Then, again, the clause, as it stands, will lead to this absurdity, that a man who has a legal right will be made to do a certain thing; whereas a man who has usurped or assumed a right will not. I contend that this is the only meaning which can be attached to the word.

MR. CHANCE (Kilkenny, S.): I would point out, as strengthening the argument of my hon. and learned Friend (Mr. T. M. Healy), that a Court of Summary Jurisdiction has no right to try any cases of title. So that all the defendant, who is summoned by a poor prosecutor, will have to do is to say—"I demand that the person prosecuting me shall show that I have a legal market. I decline to submit to the jurisdiction of the Court until that point is settled." Thereupon, the jurisdiction will be at once changed; the prosecutor will have to go to some other Court, and a long question of title will have to be fought out. I know something about market rights in Ireland. In one case investigations had to be made back to the 17th century. To say that that ought to be done before a paltry penalty under this Bill can be recovered is an absurdity. There is an additional reason why this word should not be allowed to remain part of the Bill. It is an unreasonable and an unfair thing that a man, because he enjoys a right to which he has no legal title, should escape obligations which are bound upon other men whose rights have a legal sanction.

MR. RADCLIFFE COOKE (Newington, W.): I think that the danger apprehended by hon. Members opposite is not a very real one. Markets are created commonly either by prescription, or by charter, or by a private Act, and this Bill refers to an Act of Parliament passed in the year 1847—10 & 11 *Vict.* c. 14—and you have only to look at that Act to see what sort of markets are intended to be affected. I think we should be striking altogether against the principle on which that Act was passed if we did not include the same legal definition which is to be found in the Act of 1847. There are, undoubtedly, some public places in which something in the nature of a fair is held; but they have no legal status whatever, and it will impose a very serious burden if the costly machinery rendered necessary by this Act, which is only intended to apply to market places and towns where there is a considerable and regular trade, is to be provided there also.

MR. MARK STEWART (Kirkcudbright): It appears to me that the word owes its existence to a subsequent phrase in the same line, in which tolls are spoken of as being "authorized." Therefore, if we have market fairs in which these tolls are being taken, there is a definition at once. It does not seem necessary that the word "legal" should stand, and I hope my hon. Friend (Sir Richard Paget) will withdraw it.

SIR RICHARD PAGET: When my attention was drawn to this word I consulted those who were conversant with the subject, and they said it was necessary. But the debate which has taken place has been sufficient to convince me that the Bill will be just as well without the word as with it; so I will not oppose the Amendment.

Question put, and *negatived;* word *struck out* accordingly.

Clause, as amended, *agreed to.*

Clause 3 (Interpretation) *agreed to.*

Clause 4 (Accommodation for weighing cattle to be provided).

COMMANDER BETHELL (York, E.R., Holderness): With regard to the phrase "proper buildings or places" in line 20, I should like to ask whether we are not rather going outside the object of the Bill, which is really to provide weighing machines for cattle at markets and fairs? It is a question, in my mind, whether those words will not place a heavy responsibility on those who are responsible for the markets. It may be a very convenient thing to have all these buildings; but all that is necessary is a machine for weighing cattle.

SIR RICHARD PAGET: The words "proper buildings or places" are merely buildings or places necessary for the weighing machine. I do not think any objection can be taken to the words.

On the Motion of Sir RICHARD PAGET, the following Amendments made:—In page 1, line 22, before "machines," insert "weighing;" in same line, leave out "proper;" leave out the word "that," in order to insert the word "the;" and after "purpose" insert the words "of weighing cattle."

Mr. Radcliffe Cooke

Amendment proposed, in line 23, after "proper person," insert "to have charge of such machines and weights, and to."—(*Sir Richard Paget.*)

Question proposed, "That those words be there inserted."

MR. T. M. HEALY: Is not that imposing rather a severe task? Surely the man who takes the tolls might look after the weighing machines.

Question put, and *agreed to.*

On the Motion of Sir RICHARD PAGET, the following Amendments made:—In line 23, after "machine," insert the words "and weights"; and in line 25 add—

"The market authority shall have the accuracy of such weighing machines tested twice every year by the local inspector of weights and measures, and the cost of such inspection shall be borne by the market authority."

Other Amendments made.

Clause, as amended, *agreed to.*

Clause 5 (Cattle to be weighed at option of buyer or seller) *agreed to.*

Clause 6 (Penalty for refusal to weigh cattle, or to give ticket, &c.).

SIR RICHARD PAGET: The Amendment I desire to move at the end of this clause is to substitute for the penalty of £5 contained in it the penalty of 40*s.* This last I find is the penalty provided in the Act of 1847 for the minor offences referred to. The next clause deals with the more serious offence of knowingly assisting at a fraud, and here, in that, I propose to leave the penalty at £5.

Amendment proposed, in page 2, lines 22 and 23, to leave out the words, "five pounds," and insert the words "forty shillings."—(*Sir Richard Paget.*)

Question proposed, "That the words 'five pounds' stands part of the Clause."

MR. T. M. HEALY (Longford, N.): I agree with the hon. Baronet that the penalty is too high; but, while accepting the Amendment, I would suggest to him it would be reasonable to add a minimum penalty—say, of 2*s.* 6*d.*, not too high, I think, for offences of this sort, committed by the people who have the benefit of the tolls.

THE SOLICITOR GENERAL (Sir EDWARD CLARKE) (Plymouth): It would be very inconvenient, I think, to adopt that course. We are familiar with the provision of a penalty not exceeding 40*s.*; but we have no precedent for including a minimum as well.

Mr. T. M. HEALY: Yes; plenty of them—the Irish Fishery Acts; the Game Acts.

Mr. CHANCE (Kilkenny, S.): The Musical Copyright Act.

Mr. T. M. HEALY: If the clause is to be operative at all, a minimum penalty should be provided. Who would take action in such a case, when the penalty imposed might only be a farthing? I would be satisfied if the costs followed conviction, but there is nothing said about costs. Suppose I am charged a penny for bringing a pig to market, and do not get it weighed properly; I issue a summons, and it costs me, perhaps, 5*s.* before the matter is decided, and the defendant pays a farthing damages. A pretty kettle of fish I should have made of the business.

Sir RICHARD PAGET: Of course, as a rule, the costs would follow the verdict. I wish to make it clear that this clause only deals with minor offences; and, under the circumstances, I think it is desirable to follow the precedent of the Act of 1847 upon which this Bill is based.

Mr. T. M. HEALY: I give way on the point, provided that the Government agree that the costs in every case of conviction shall be paid by the defendant.

Sir EDWARD CLARKE: That is a question for the decision of the magistrates, who have authority under the General Act.

Mr. T. M. HEALY: Yes; that is all very well for Englishmen, who have English magistrates to deal with; but we must address ourselves to the point of view that applies to Ireland. The people who will be aggrieved by the offence or neglect with which the clause deals will be butchers and farmers, a class who will have no representative on the Bench; it will be the gentlemen who own the tolls who will be represented on the Bench, and they will let off their friends. I do not think that the case will be met by the imposition of a farthing damages after conviction, and I shall move an Amendment as to costs.

Question put, and *agreed to;* words substituted.

Mr. T. M. HEALY: And now I propose my Amendment after the word "shillings."

Amendment proposed,

To add, at the end of the Clause, the words "Provided, that the costs of the complainant shall in every case of conviction be paid by the person convicted."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there added."

Sir EDWARD CLARKE: I hope the hon. and learned Member will not insist upon putting these words in; it will be altogether a departure from the general practice, and I do not think even those cases which come within the hon. and learned Member's own experience would justify this being done. He will see the clause deals with such matters as refusing to weigh, objecting to weigh at a particular time, or neglecting to give a docket of the weight, or giving a false weight; and on these points complaints might be made of the most trivial kind, and rather for annoyance and vexation.

Mr. T. M. HEALY: Then there would be no conviction.

Sir EDWARD CLARKE: Under these circumstances, I do not think it would be proper to deal with this matter in an exceptional way. I would rather leave it to the discretion of the magistrates.

Mr. T. M. HEALY: Will the Government provide that such a Proviso shall extend to Ireland? What is the use of our wrangling about it? It does us no good; it is waste paper so far as Ireland is concerned; we cannot enforce it unless you put these words into the Act.

Sir EDWARD CLARKE: I could not consent to impose this very invidious distinction as regards Ireland.

Question put.

The Committee *divided*:—Ayes 50; Noes 70: Majority 20.—(Div. List, No. 325.) [2.10 A.M.]

Mr. CHANCE (Kilkenny, S.): I desire to add, at the end of the clause, the words "and not less than half-a-crown." Without something of this kind the Act in Ireland will be little better than a farce. Complainants will have to pay the costs, and the result in Ireland will be that the Act will be a dead letter. I think the Committee will consider that if a man neglects his duty he should be made to suffer to some small extent. It is idle to allow a friendly magistrate to let him off with a farthing damages.

Amendment proposed, at the end of the Clause, to add the words "and not less than half-a-crown."—(*Mr. Chance.*)

Question proposed, "That those words be there added."

SIR RICHARD PAGET (Somerset, Wells): I entirely sympathize with the desire of the hon. Member to make the Act effective; but I hope he will not press this Amendment. Although, as has been said, there are instances in Ireland where, when the minimized penalty is introduced, they are opposed to the general spirit of the law, it is unusual to introduce such in measures of this kind. I hope the hon. Member will be content to leave the Bill as it stands, which, while it gives the magistrates power to inflict a penalty of 40*s.* for offences of a slight character, also gives power to the Court to impose on the offender the cost of the proceedings. I hope the hon. Member will leave this to the discretion of the Court, and not introduce into the Bill a principle foreign to our legislation.

VISCOUNT EBRINGTON (Devon, Tavistock): I think the proposal is a reasonable one. Offences against the clause, though they might be slight in themselves, would practically make the Act a dead letter; and if a man refuses to comply with the Act, I think the minimized penalty of 2*s.* 6*d.* is not excessive.

MR. T. M. HEALY: After that expression of opinion from the noble Viscount I hope our Amendment will be accepted. We are all at one in the desire that the farmer should not be robbed by the dealer, and to provide against collusion between the latter and the keeper of the weighing machine. If the machine keeper chooses to contravene the Act, then the minimum penalty prevents his doing so with impunity. Suppose I choose to defy the Act, I might very well do so if I had a friendly Bench of magistrates to whom the appeal might be made—not that I am ever likely to find a friendly Bench anywhere—but if the Bench give a decision imposing a nominal fine I might go on defying the law, and find it my interest to do so. The Bill is designed in the interest of the farmer. Pressed, as he is, with foreign competition and low price, at least let him get the price for all he sells, though the price may be a low one.

SIR EDWARD CLARKE: I do not think that anywhere a Bench of magistrates would behave in the manner the hon. and learned Member has indicated.

MR. CHANCE: Then the provision can do no harm.

SIR EDWARD CLARKE: I do not believe such an instance could be found in England, nor can I believe such could take place in Ireland, so long as Irish Members have seats in this House. The matters with which the clause deals vary from cases of trivial neglect to serious offences, and I think the hon. Member would defeat his purpose, that offences should be punished according to degree, and the mention of half-a-crown would seem to point out the sort of penalty that should be imposed. The hon. Member says there are certain Acts that provide the minimum penalties. In cases of penal servitude Judges are obliged to pass sentences of not less than three years——

MR. CHANCE: The Copyright Act mentions 40*s.*

SIR EDWARD CLARKE: That is the specified sum for which a person sues in an action-at-law—not the penalty for offences under the law.

MR. MAURICE HEALY (Cork): The hon. and learned Gentleman (Sir Edward Clarke) says the offences dealt with range from very trivial offences to others more serious; but I do not think any of the offences can be properly described as trivial. The list is not long. I will read them. They are—refusing or neglecting to weigh when required; refusing or neglecting to deliver a ticket specifying the weight, or giving a false account of the weight. It is idle to say that these are trivial offences, and I cannot see the force of the Solicitor General's argument. Then he says this Amendment is foreign to our whole system of legislation. But has he within the scope of his reading included the Irish Fishery Acts? Not only is there a minimum penalty fixed; but I have known a case in which a man got a case quashed by the Queen's Bench because he was fined too little. [*Laugh-*

ter.] It is a well-known case. The gentleman belonged to the privileged class, and he succeeded in inducing the Court of Queen's Bench to take this extraordinary view of their duty. Over and over again in the Fishery Acts the specific fine is mentioned, and so also in some of the Game Acts, not to mention the Copyright Act. There is nothing, therefore, contrary to the spirit of English legislation in the proposal to insert a minimum penalty. No one can say we are extreme when we wish to fix that penalty so low as half-a-crown, and the opposition to our proposal is simply factious.

MR. H. J. WILSON (York, W.R., Holmfirth): I allow the Solicitor General ought to know law better than myself; but, unless I am very much mistaken, there are many Acts where the minimum penalty is specified.

SIR EDWARD CLARKE: Name one such.

MR. H. J. WILSON: Very well, I will name the law imposing a tax on dogs, and I think there are other cases.

MR. T. M. HEALY: As our suggestions get no consideration, I beg to report Progress on the ground that the Government do not seem to have thought about the matter, as is evident when the Solicitor General talks about trivial and grave offences; the fact being that there are only three classes of offences in the clause. We shall get no benefit from the clause in Ireland, unless we insert words that will insure its administration in the spirit we intend it should be administered.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. T. M. Healy.*)

SIR RICHARD PAGET: I hope the hon. and learned Member will not press this Motion. I know he is anxious to see the Bill pass; he stated so the other night, and I have no doubt, from the unanimity of feeling, that we can make it a valuable measure, small though it may be. I have no doubt we can reconcile the little difference of opinion on this point. Surely it is not worth while to sit up another night over the Bill, when we might very well finish it now. I hope the hon. and learned Gentleman will consent to withdraw his Motion.

MR. BIGGAR (Cavan, W.): I am willing to see the Bill pass; but I certainly would advise my hon. and learned Friend to persist in his Motion, unless those who are too stiff-necked to listen to reason will give way on this small point. It is not merely the small matter of a half-crown fine; it is a question whether rascally owners of fairs and markets shall, with the assistance of magistrates, evade the Act and allow offenders to go scot free. It would be better to lose the Bill than have it a sham in operation.

MR. JOHNSTON (Belfast, S.): I hope the hon. and learned Member (Mr. T. M. Healy) will withdraw his Motion. I and many others here are with him in the matter of the minimum penalty, and I shall vote for his Amendment.

MR. T. M. HEALY: Just to show there is no ill feeling, and out of compliment to the hon. Gentleman opposite, I will withdraw the Motion.

Motion, by leave, *withdrawn.*

Original Question put.

The Committee *divided:*—Ayes 56; Noes 42: Majority 14.—(Div. List, No. 326.) [2.25 A.M.]

Clause, as amended, *agreed to.*

Clause 7 (Penalty for fraud) *agreed to.*

Clause 8 (Tolls for weighing cattle).

MR. T. M. HEALY (Longford, N.): I have to propose an Amendment to this clause to provide that the Bill shall not cause an increase in existing tolls; that where it is now the custom to weigh cattle the charge shall not be higher than the customary charge. I know that in some cases the charge is 1*d.*, and I do not see why, with no more accommodation, the charge should by this Act be doubled.

Amendment proposed,

In page 2, line 28, after the word "authority," to insert the words "provided that in no case shall such amount exceed any amount customarily charged by the market authority for weighing cattle prior to the passing of this Act."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there inserted."

SIR RICHARD PAGET (Somerset, Wells): One objection to the Amendment occurs to me, and that is that many markets are held under Statutes that define the amount of toll to be charged, and this amount may be in excess of the amount usually charged. The Amendment would compel the continuance of the actual charge, though that may be within the limit of the charge that may legally be made. It may be that under the Statute a charge of 2*d.* is allowed, though, possibly, the actual charge is 1*d.* This Amendment would set aside the Statute. Another objection is that the Committee have inserted an Amendment making it obligatory on the Market Authority to have the machine tested twice a-year at their own expense, thus imposing on the authority a duty whereby a certain extra expense is incurred. Also, I would point out that, as the clause and Schedule are drawn, the words are not exceeding 2*d.*, so the cases I have suggested are provided for.

MR. T. M. HEALY : I recognize there is something in the objections, though they do not apply to the custom in Ireland. But, however, I withdraw the Amendment now, and will consider how the point may be met on Report.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 9 (Power to exempt certain markets and fairs from provisions of Act).

MR. T. M. HEALY (Longford, N.): With the object of providing that Market Authorities should make application within a definite period to the Local Government Board, I move to omit the words "any time," in lines 37 and 38, and to insert "on or before January 1, 1888."

Amendment proposed, in page 2, lines 37 and 38, to leave out the words "any time," and insert the words "on or before January 1, 1888."—(*Mr. T. M. Healy.*)

Question proposed, "That the words 'any time' stand part of the Clause."

SIR RICHARD PAGET (Somerset, Wells): I am not sure that I apprehend the object of the hon. and learned Member. May I explain that a market may be now considerable, but it may dwindle down, and the trade become so small that there may be no reason for maintaining the weighing machine. My object is to relieve those markets that are so small as to justify exemption from the operation of the Act. The application to the Local Government Board is to be renewed if circumstances still justify the exemption.

MR. T. M. HEALY: No doubt, there is some force in what the hon. Baronet says; but allow me to point out that there ought to be some public hearing or counterpoise to the application made to the Local Government Board, so that the public are not left unprotected. Perhaps the hon. Baronet will consider it on Report?

SIR RICHARD PAGET : I shall be happy to do so, and if it seems necessary introduce words fixing a limited time.

MR. C. T. DYKE ACLAND (Cornwall, Launceston): It might be expedient also to consider whether it is desirable to provide that public notice should be given of the intention of the Market Authority to apply.

Amendment, by leave, *withdrawn.*

Motion made, and Question proposed, "That Clause 9 stand part of the Bill."

MR. T. M. HEALY: It would be better, I think, that this clause should not apply to Ireland. I do not know whether there is any objection to that?

THE PARLIAMENTARY UNDER SECRETARY FOR IRELAND (Colonel KING-HARMAN) (Kent, Isle of Thanet): I think it would be an advantage to Ireland that the Bill should apply.

MR. T. M. HEALY : This particular clause?

COLONEL KING-HARMAN: The whole Bill as it stands.

MR. T. M. HEALY: I refer to the clause only. I welcome the Bill as a whole; but I think this clause leaves the public at the mercy of the proprietors.

MR. M. J. KENNY (Tyrone, Mid): The clause will, in Ireland, reduce the Bill to a nullity. I should be glad to see a general system of weighing; but if you allow this discretion of the Local Government Board you reduce the Act to a nullity. Let Englishmen who live under free institutions be governed by their own Local Government Board, in whom they can trust; but in Ireland, where there is constant conflict of class and class, it is necessary that the words of an Act of Parliament should be specific, allowing as little discretion as possible to Boards. I certainly would wish to see Clause 9 abolished, so far as Ireland is concerned.

VISCOUNT EBRINGTON (Devon, Tavistock): I think the clause might be allowed to be taken now, seeing that the hon. Baronet has agreed to reconsider it on Report. I hope, also, he will be prepared so to remodel the clause, as to require the Market Authority to give public notice of an intention to apply to the Local Government Board for exemption, and that the Local Government Board shall hold an inquiry before granting it.

MR. CHANCE (Kilkenny, S.): It is a novel and dangerous principle to relegate to an irresponsible body the power of saying whether an Act should or should not operate. To some modified extent, the clause might apply to Ireland; but I would suggest to the hon. Baronet that he might substitute the County Court for the Local Government Board.

Question put, and *agreed to.*

Remaining Clause, Schedule, and Preamble *agreed to.*

Bill *reported,* as amended; to be considered upon *Monday* next, and to be *printed.* [Bill 337.]

MUNICIPAL REGULATION (CONSTABULARY, &c.) (BELFAST) BILL.

(*Colonel King-Harman, Mr. Solicitor General for Ireland.*)

[BILL 291.] COMMITTEE.

Order for Committee read, and *discharged.*

Motion made, and Question proposed,

> "That the Bill be committed to a Select Committee of Seven Members, Four to be nominated by the House, and Three by the Committee of Selection."—(*Colonel King-Harman.*)

MR. SEXTON (Belfast, W.): It is somewhat curious, if this is a necessary stage, that when this Bill was before the House on the second reading no Member of the Government seemed to be aware of it. If there is any Rule of the House that requires this to be done I should like to be referred to it, or upon what authority this course of procedure rests. I observe there has lately been an unusual development of official vigilance in regard to these Bills, more especially those that have reference to Belfast, and I have had to face impediments at every step from official action, such as I am under the impression did not exist in former years. Although the Bill has been long on the Paper, this is the first we have heard of this necessity of which I understand the right hon. and gallant Gentleman has received intimation from official sources, and which will have a serious effect on the fate of the Bill this Session. If this Bill goes to a Select Committee, before whom counsel and witnesses are to be heard, all I can say is that, if this programme is gone through, we have heard the last of the Bill. I want to know on what day it is proposed the Committee shall sit; and, secondly, I want an assurance that the Committee shall sit from day to day until they report; and also I should like to know will the Committee go through the process of taking the evidence of witnesses? Such a proceeding is wholly unnecessary. A Royal Commission held an inquiry into the subject, extending over three weeks; every point was made matter of evidence, witnesses have testified upon it, and the Commissioners have reported upon it. If it is open to me to do so, I would leave out, in the Order of Reference to the Committee, the examination of witnesses; and this suggestion is wrapped up in the claim I make that the Bill shall be carried this year. The Royal Commission have pointed out the danger of delay in a town like Belfast, where riots dangerous to property and fatal to life are likely to break out at any moment, and I am here as representing 70,000 constituents who are exposed to the greatest danger until sufficient measures are taken to preserve the peace and order of the town. If the Bill does not pass this year, there is grave danger of serious disturbances in Belfast; and the Government, if they do not make strenuous efforts to pass the Bill, will, in the face of the solemn warning of the Royal Commission, be guilty of a grave dereliction of public duty.

THE PARLIAMENTARY UNDER SECRETARY FOR IRELAND (Colonel KING-HARMAN) (Kent, Isle of Thanet): I agree in the importance of passing the Bill this Session; but the difficulties in the way are increased by the course the hon. Gentleman is now taking. It was only this afternoon I received an official communication that it would be necessary to refer the Bill to a Select Committee. I acquainted the hon. Gentleman with the fact at the earliest moment, and asked him to serve on the Committee, and I trusted he would assist me in for-warding the Bill. I am fully alive to the importance of the Bill, and have the strongest desire to see it pass.

Mr. M. J. KENNY (Tyrone, Mid): The right hon. and gallant Gentleman has not given a particle of information on the points addressed to him. He was asked upon what authority or rule it was necessary to refer this Bill to a Select Committee?

Colonel KING-HARMAN: On a Standing Order which cannot be altered. [*Cries of* "Which Standing Order?"]

Mr. M. J. KENNY: We want to know which Standing Order; and, further, assuming that there is such a Standing Order, why it is not open to the House to suspend this Standing Order? As to the imputation that my hon. Friend (Mr. Sexton) seeks to delay the Bill, what ground is there for that, seeing that he seeks to avoid the delay caused by the examination of the crowd of witnesses the Corporation of Belfast will not hesitate to bring over? We are now at the 27th of July, in the dying days of the Session; and to refer a Bill to a Select Committe, before whom counsel can examine and cross-examine witnesses at length, is manifestly a course that will destroy the Bill. The right hon. and gallant Gentleman will have to clear himself from the charge of seeking to do this, at the instigation of some person whose name does not appear, by other reasons than those he has given for the action he is now taking.

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.): I hope we may now be allowed to proceed. It is clear that, under the Standing Orders, the Bill comes within the category of those that must be referred to a Select Committee. The Government have, as my hon. and gallant Friend says, every desire to push the Bill forward; and, having in view the period of the Session, it will be in the power of the Committee to expedite its proceedings, so that the examination need not necessarily destroy the Bill.

Mr. M. J. KENNY: What objection is there to move the suspension of the Standing Order?

Mr. JACKSON: I understand there is no precedent for such a course; and it is undesirable for the Government to set a precedent that might be extremely inconvenient in future application.

Mr. T. M. HEALY (Longford, N.): The Government were not so chary of setting precedents when we had the Crimes Bill before us; and on a very recent occasion they did not hesitate to propose the suspension of four Standing Orders at once. I can entirely bear out what was said by my hon. Friend (Mr. Sexton) as to the development of a new official system in regard to Bills of this kind, and it is carried out with great energy against particular Bills. On the other hand, do we not see Tramway Bills that affect private interests passed without reference to a Select Committee? We do not hear that, though the Ulster Canal Bill affects private interests, it is referred to a Select Committee. Another case in point is the Manchester Ship Canal Bill, to forward which you suspended half-a-score of Standing Orders.

Mr. JACKSON: It was before a Committee on more than one occasion.

Mr. T. M. HEALY: And has not the subject of this Bill been before a Royal Commission? In reference to the Manchester Ship Canal Bill, too, the House imposed on the Committee the duty of reporting by a given day. Why should not a similar course be adopted with this Bill? In the case of the Manchester Ship Canal, it was felt that it would be unreasonable to go over the mass of evidence again; and I say of this Bill that Judge Day's Commission went fully into the whole matter, and, founding myself on the precedent of the Manchester Ship Canal Bill, I will move an Instruction to the Committee to report to the House on Monday.

Mr. SPEAKER: The hon. and learned Member cannot do that now. He must give Notice of such a Motion.

Mr. T. M. HEALY: Very well, Sir; but as it would be more respectful to my hon. Friend the Member for West Belfast (Mr. Sexton) I will leave him to give Notice for to-morrow.

Mr. SEXTON: I wish to be allowed to say that I did not intend to attach any blame to the right hon. and gallant Gentleman (Colonel King-Harman). He did inform me of the course he was obliged to take, and I intimated my willingness to serve on the Committee; but I do not think that debarred me from pointing out to the House that which I thought necessary to point out.

MR. T. W. RUSSELL (Tyrone, S.): I hope the Government will assent to such an Instruction as that suggested, not that the Committee should necessarily report on Monday, but on an early day.

MR. CHANCE (Kilkenny, S.): It would, I think, be more convenient to deal with the whole matter at once, and it would, in the end, save time to adjourn this matter. I am not at all sure that there is an absolute fixed Rule that requires the reference of this Bill to a Select Committee. The Bill does not affect private rights; it deals with subjects most exhaustively dealt with by Royal Commission, presided over by a Judge who took strong measures to prevent the inquiry being indefinitely protracted. Again, it would be open to the House to suspend the Rule; and, for all these reasons, I beg to move that the debate be adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Chance.*)

MR. JACKSON: I do not rise, Sir, to make any objection to that Motion; but I would point out that the hon. Member must take the responsibility of his Motion. Arrangements have been made for the appointment of the Committee to-morrow.

COLONEL KING-HARMAN: Unless there should be very serious opposition, I may say there is every probability that the Committee would report on Monday; but, of course, an adjournment would make that impossible.

MR. SEXTON: It will be satisfactory if the Government will assent to the Committee being instructed to report on a certain day.

MR. T. M. HEALY: The vigilant official who has sprung this information on the House at the last moment should have made his discovery sooner; but surely the Government, with their resources, can estimate how long the Bill will take. They have had a month to bring on their Bill, and that they were not aware of this necessity shows how fit they are to conduct Irish Business.

Question put, and *agreed to.*

Debate *adjourned* till *To-morrow.*

MOTION.

——o——

TRAMWAYS (IRELAND) ACTS AMENDMENT BILL.

On Motion of Mr. Kimber, Bill to amend the Tramways (Ireland) Acts, *ordered* to be brought in by Mr. Kimber, Captain Colomb, and Dr. Clark.

Bill *presented,* and read the first time. [Bill 338.]

House adjourned at twenty minutes after Three o'clock.

HOUSE OF COMMONS,

Wednesday, 27th July, 1887.

MINUTES.]—PUBLIC BILLS—*Ordered — First Reading*—Settled Land Act (1882) Amendment * [339]; Law of Libel * [340].

Second Reading—Agricultural Labourers' Holidays (Scotland) * [311].

Report of Select Committee — Limited Owners (Scotland) [No. 242]; Special Report [No 243].

Committee — Irish Land Law [308] [*Third Night*]—R.P.

Withdrawn — Liquor Traffic (Local Veto) (Ulster) * [33].

QUESTIONS.

——o——

ROYAL IRISH CONSTABULARY—REMOVAL OF PLACARDS—WINDGAP, CO. KILKENNY.

MR. BRADLAUGH (Northampton) asked Mr. Attorney General for Ireland, To state to the House the specific words from the Windgap placard produced on Tuesday by the Chief Secretary to the Lord Lieutenant of Ireland which, in his opinion, make that placard an illegal document, and justify its destruction by the police?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The Question of the hon. Member is founded on a misconception of the answer of the Chief Secretary. He did not say that the placard was criminal. He said it was regarded as inflammatory. It is the duty of the police, especially in a district where social disorder exists, or is likely to take place, to remove placards of an inflammatory character, as tending to a breach of the peace or violation of law. The action of the sergeant in tearing down the placard was approved of by the District Inspector, who is acquainted with the circumstances of the district, and who considered the placard of an inflammatory character. The placard cannot be construed as if it were an abstract legal pleading; but must be regarded with reference to considerations of time and place and the condition of the district. The placard contains language which, in the circumstances, may be regarded as inflammatory, and as tending to social disorder and a breach of the peace. I see no reason for questioning the legality of the conduct of the police, who must necessarily act in such matters promptly upon their knowledge of the locality and the facts. I do not know whether it would be necessary for me to read the placard *in extenso.* [*Home Rule cries of* "Read!"] The composition appears to me to be of a very flatulent kind, and some of the words appear to me to be reasonably capable of being construed as of a character which might be inconvenient and might lead to a breach of the peace. The words are these—

> "Our true and tried leaders are day and night fighting with that indomitable spirit with which the Celt only can fight our cause in staying the hand of extermination, and our duty is to give them what help we can in their hour of trial."

The placard does not say what kind of help, and that must always be considered with reference to the circumstances of the district.

> "Are we to stand idly by while such scenes are being enacted?"

The hon. Member will remember what was stated yesterday with regard to the state of Kilkenny.

> "We can materially aid them by banding ourselves together like clamps of steel under the banner of the Irish National League, and proving to our enemies that coercion has no terrors for us."

That description of language might cause no discomfort or alarm to the police in London, but it might be very different in Kilkenny.

Mr. BRADLAUGH: Do I understand the right hon. and learned Gentleman to say that the words which he quoted from the placard, and which I alluded to yesterday before I put the Question to him, words which say that the Parliamentary Representatives are fighting day and night in the House of Commons, and inviting the people to join the local branch of the National League and to support their Parliamentary Representatives, are of a character, in the opinion of the Government, so inflammatory as to justify the police in tearing such placards down when they appear in Ireland at the present time?

Mr. SPEAKER: Order, order! That Question is in itself of a very argumentative character and asks for an opinion, and it is not usual to ask for an opinion from a Minister in the form of a Question. Indeed, it would be out of Order.

The LORD MAYOR of DUBLIN (Mr. T. D. Sullivan) (Dublin, College Green): Arising out of the answer of the right hon. and learned Gentleman, I wish to ask him whether the paper which published the language of this placard, or language of a like kind, will be liable to be seized by the police; and, whether persons who make use of such language in their speeches will be liable to prosecution under the Crimes Act?

Mr. GIBSON: Each case will be dealt with on its own merits when it is brought before the Attorney General.

Mr. SEXTON (Belfast, W.): As the right hon. and learned Gentleman is Law Officer of the Crown, and as I am entitled to refer any question of law to him, and as he has in his answer applied the words "flatulent," "inconvenient," and "inflammatory" to this placard, I would ask him, with reference to his own special Office, whether or not the placard was intrinsically, or because of the circumstances surrounding it, illegal; and whether a placard which would be legal in one part of Ireland would be illegal in another; and whether a placard which may be properly and legally posted up in one part of Ireland may be properly torn down in another?

Mr. GIBSON: I think I have explained sufficiently that the nature of the placard must be construed with regard to its surroundings, and that what would attract the attention of the police in one district might not be considered worth intervention in a different locality. The police act on the spot with a knowledge of the facts.

Mr. T. D. SULLIVAN: I have asked whether a newspaper publishing the contents of that placard and circulating in the district referred to is liable to be seized by the police?

Mr. SEXTON: What class of officer is entitled, in the view of the Irish Executive, to make a complicated construction of the legality, inconvenience, and flatulence of a placard? Can any one of the 11,000 police-constables in Ireland make such a construction on his own authority; or is the power of making this construction confided only to superior officers, such as a Divisional Magistrate, a County Inspector, or a District Inspector?

Mr. GIBSON: The law as to the power of the police, as I understand it, is the same in England as in Ireland.

Mr. R. T. REID (Dumfries, &c.): Will the right hon. and learned Gentleman say that, under the Common Law of England, anything of this kind could be torn down by the police?

Mr. GIBSON: Yes, Sir; if there is any danger of a breach of order, I think a policeman, having regard to the locality, would be justified in taking immediate action. In this case, the conduct of the sergeant was approved of by his superior officer, who was intimately acquainted with the district. Of course, if a policeman in any way exceeds his duty complaint can be made in the ordinary way.

Mr. T. D. SULLIVAN: I must press the right hon. and learned Gentleman for an answer to my Question. It is a very simple and distinct Question—whether a newspaper publishing the same matter as is contained in that placard, and circulating in the district referred to, will be liable to be seized by the police?

Mr. SPEAKER: That is a question of law, which the right hon. and learned Gentleman could not answer off-hand; and I doubt even whether such a Question could be put to him properly.

CRIMINAL LAW AMENDMENT (IRELAND) ACT—THE PROCLAMATIONS.

Mr. SEXTON (Belfast, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the official record of what had been done under the Proclamations would be in the hands of hon. Members to-morrow?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.), in reply, said, that it would not be ready to-morrow; but the matter was being hurried on as fast as possible. He believed, however, that the statement which he had made the other night was as clear as anything that could be laid before the House. There could be no difficulty in interpreting the answer which he had given on Tuesday. It was difficult to extract exactly what had been done from the pages of *The Gazette;* but if the hon. Member would ask the Question to-morrow he would give him an answer.

Mr. SEXTON: The right hon. Gentleman can, perhaps, clear up one point now. Am I correct in assuming that with the 32 counties and the counties of cities and towns, every inch of the soil of Ireland is now proclaimed under the Crimes Bill?

Mr. A. J. BALFOUR: Yes, Sir. Under Sub-head C, Sub-section 3, Clause 2, every part of Ireland is proclaimed.

ORDERS OF THE DAY.

—o—

IRISH LAND LAW BILL [*Lords*].

[Bill 308.]

(*Mr. A. J. Balfour.*)

COMMITTEE [*Progress 26th July.*]

[THIRD NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

Amendments of General Application.

Clause 4 (Substitution of a written notice for execution of an ejectment).

Mr. O'DOHERTY (Donegal, N.): On behalf of the hon. Member for Cork (Mr. Parnell), I beg to move the Amendment which stands in his name in line 35, page 2, before the word "in," to insert "for the space of three years after the passing of this Act." The object of this Bill, independent of Clause 1, is to bridge over a period which must necessarily intervene before any system of purchase can be carried out. Whatever form this 4th clause may ultimately assume, it is clear it ought to be confined to that period which we all desire to bridge over, and no provision permanently altering the law of the land of a serious nature ought to exist longer than the necessity for it exists. "Sufficient for the day is the evil thereof." The law as it exists is strongly in favour of the landlord, and an opinion has been expressed from these Benches that the change proposed by this clause will make it even worse than the provisions which are contained in the existing Statutes. Under these circumstances, I think it is only reasonable that whatever form the Bill is to assume, or whatever Amendments are to be made in it, the proposed change should only last for three years.

Amendment proposed,

In page 2, line 35, before the word "in," to insert the words, "for the space of three years after the passing of this Act."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The hon. Gentleman, as far as I understand his argument, has based his proposal on the analogy of another proposal of the Government, which provides that the measure should only have temporary duration. But there is a distinction between that case and the case we are now considering. We support this clause not because we consider it a convenient measure for bridging over a temporary difficulty, but because we regard it as a real and permanent amendment of the law; and, therefore, we can hardly accept the Amendment of the hon. Gentleman to confine its operation to the next three years.

MR. DILLON (Mayo, E.): We are now told that this is to be a permanent alteration of the law of Ireland, although it has been stated, over and over again, that it is only a measure of a temporary nature. Not only is it a permanent alteration, but a permanent alteration of a very serious character, dealing with one of the most important, intricate, and complicated parts of the law of Ireland concerning the relations between landlord and tenant. I find myself in a serious difficulty in regard to this clause; I find it extremely difficult to deal with it without travelling outside the four corners of the clause itself. I, therefore, think that the Committee are entitled to discuss the effect of the clause generally.

THE CHAIRMAN: The only issue raised is the Amendment itself, which limits the operation of the clause to a period of three years.

MR. DILLON: I will do my best to confine myself to the Amendment, and I will give my reasons why I think we ought not to be asked to make the clause permanent. In the first place, I will point out, without going into detail, how enormously over-reaching the clause is in its nature, and I think I may be allowed to indicate to what extent it effects a large portion of the landlords and tenants of Ireland. This way of dealing with the status of an ordinary tenancy, and the remedies provided for the tenants, are altogether based on the law of 1860. We have there two sections —Sections 70 and 71—which deal with the status of the tenants after a legal ejectment has been executed, and dealing also with the rights reserved to tenants in that position. It is only fair, however, to remember that the rights reserved to the tenants under these sections of the Act of 1860 are only a small modicum of the rights they were robbed of by that legislation. It is necessary that the Committee should bear in mind that at that time the Irish tenants were practically unrepresented in this House; and, consequently, that the then existing status of the tenant was swept away by that confiscatory measure passed in 1860, and the measure itself was passed without a single voice being raised against it. In fact, by an Act of gigantic fraud the whole system by which land was held in Ireland was revolutionized and turned upside down in the interests of the landlord and against those of the tenant. Seventy or 80 Statutes were repealed by that Act; and although some small fragments of the rights of tenants were preserved by Sections 70 and 71, they were certainly of a trifling character. What the Government now propose to do by this Bill for the relief of the Irish tenants is intended to be done by an enormously long clause extending over no less than two or three sheets of the Bill, and the clause itself proposes to take away from the tenants, permanently and for ever, those small fragments of right which were reserved to them by the Act of 1860. What I contend is that if I am right in saying that this is really a clause of an over-reaching character, robbing the tenant of most of the protection left to him by the Act of 1860, at least we are entitled to ask that it should be strictly temporary in its character. The Government have not attempted to establish any case for making the Bill permanent; and, that being so, I think we are fairly entitled to demand that the clause should be temporary instead of permanent. Perhaps I shall have to trespass on the indulgence of the Committee at some length before the clause is disposed of; but I shall not do so at present. There are, however, three or four points in the clause to which I am bound to call attention, and I trust that the Government will feel inclined to receive any suggestion we may make for the amendment of the clause in a frank and generous spirit The Government have stated that the clause has been drawn and conceived in the interest of the tenants rather than of the landlords. Let me, then, point out very briefly, at the outset of the discussion, three points upon which I should like to hear from the right hon. Gentleman the Chief Secretary whether the Government are ready to receive Amendments or not. In the first place, they are now seeking to deprive the tenant of what is a very substantial protection—namely, that the tenancy shall not be broken without the execution of a writ. That is undoubtedly a protection which the law gives to him, and I would ask the Government whether they are prepared to extend the period of redemption from six months to 12 months? In the Bodyke case the tenants got 10 months before the ejectments were executed. That is the first question I would put to the Government. The second is this—the Government have stated that their object is to improve the position of the tenants and to put a stop to evictions. Now, I want to call attention to a point which has been raised by the hon. Member for South Kilkenny (Mr. Chance)—namely, that under this clause the moment the notice is served the tenant ceases to be a tenant, so that the day the notice is served it will be possible for the landlord to evict him. He ceases to be a tenant and becomes a caretaker, and as a caretaker he may be easily removed. The question, then, which I desire to put to the Government is whether they are willing to accept an Amendment to the clause, which will secure to the tenant that during the period which is to elapse between the serving of the notice and the expiration of the time during which he has the right of redemption he shall be in undisturbed possession of the holding. If they really want to stop evictions by the clause, surely that is the only way by which they can do so. If they do not wish to rob the tenant of the protection he now enjoys—for I do think it is a protection seeing that the tenancy cannot be broken and the tenant turned into a caretaker without the execution of a painful and unpleasant process—painful to the landlord as well as to the tenant, I cannot see any other course open to them than to accept this Amendment. If they do not desire to rob the tenant of his protection, will the Government consent to extend the period for redemption and secure to the tenant that, pending the lapse of the period during which he can redeem his holding, he shall not be evicted from it? As the clause stands at present the moment the notice is served he can be evicted from the holding, and evicted in a much more easy way than it is possible for him to be evicted now. It is only a pretence, and a dishonest pretence, to say that this clause has been framed in the interests of the tenants for the purpose of avoiding evictions. These are some of the points which may simplify the discussion of the clause if we hear a satisfactory explanation from the Government. There is, however, a third point, and it is an enormously important point. We heard last night from the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain), as a reason for not postponing the clause, that the tenant will get the protection of equitable jurisdiction under Clause 22. Then I would ask the Government will they agree to allow the tenant during the interval between service of the notice and the period of redemption to appeal to the Court under the Equitable Jurisdiction Clause, and thus give him a chance of stopping the eviction? If they will give the tenant that protection, I should certainly consider it a substantial concession—namely, to extend the period of redemption, and give the tenant a chance for his life by preventing eviction, and by enabling him to come before the Court of Equitable Jurisdiction. Let me point out the enormous importance of that last provision. There are in Ireland to-day at least 10,000 ejectment decrees which have been taken out, and are now in the hands of the landlords for execution. This clause will facilitate the execution of those decrees. The clause, as it stands, has absolutely no effect whatever over those 10,000 ejectment decrees. Therefore, the Government ask us to pass a clause which will facilitate the execution of ejectment decrees, and give no protection by Clause 22 to these 10,000 persons. I thank you, Mr. Courtney, for allowing me to go a little outside the Amendment; and I will now ask the right hon. Gentleman the Chief Secretary for Ireland to make some statements on these points, which, I assure him, are of a vital character; and if he makes a satisfactory statement it may prevent the opposition which I should otherwise feel it my duty to give to the clause.

Mr. A. J. BALFOUR: The last proposal which has been made by the hon. Member for East Mayo is that Clause 22 should be rendered retrospective in its character. That would be the effect of carrying out the suggestion he has made that the 10,000 decrees of eviction which he states to be in existence should be stayed. I do not know whether the hon. Member's figures are correct; I am inclined to think they are not; but the time to discuss his proposal will clearly be when we reach Clause 22.

Mr. T. M. HEALY: Catch us.

The CHAIRMAN: Order, order!

Mr. A. J. BALFOUR: Certainly the time to discuss whether Clause 22 shall be retrospective or not is when that clause is reached.

An hon. Member: There is no Amendment on the Paper.

Mr. A. J. BALFOUR: Yes; there is an Amendment to Clause 22 upon the Paper. The proposal of the hon. Member has no reference to the clause under discussion. The hon. Member began by saying that we are removing from the tenant the great protection which he now enjoys. The protection to which the hon. Member alludes is simply a protection which consists in the public cost and the public scandal, which have unfortunately, owing to the action of certain agitators, attended the execution of the law in Ireland. Now, Sir, that is not the kind of check which, in my opinion, ought to exist in regard to any law. The law may be good or it may be bad. It may require checks and qualifications, or it may not require checks and qualifications; but the kind of checks and the kind of qualifications by which the hon. Gentleman appears to set great store is, in my opinion, one which ought not to exist for the public good. We think—and the whole Bill shows that we think—that it may be necessary to check the harsh use of this law; but the way to do so is by inserting such provisions as those contained in Clause 22, and not by encouraging a system which is simply that of revolution in disguise. That deals with one of the benefits which the hon. Member alleges to be removed, as far as the tenants are concerned. Any benefit which he says we are removing from the tenant consists of the length of time which, under certain circumstances, may elapse between the execution of the writ and the obtaining of the decree of execution.

Mr. DILLON: Between the decree and the enforcement of judgment.

Mr. A. J. BALFOUR: Yes, between obtaining the decree and its execution. The hon. Member alleges—and he alleges truly—that there is a certain lapse of time between those two events, and in that lapse of time it constantly happens that arrangements are come to between the landlord and the tenant. In our Bill we give seven days. Lord Cowper's Commission did not even suggest that notice should be served upon the tenant. The mere fact that a decree had been obtained was to be sufficient.

Mr. T. M. HEALY: Where is the difference?

Mr. A. J. BALFOUR: I am attempting to argue the question, and I trust that hon. Members will allow me to do so in my own way. The suggestion of Lord Cowper's Commission was that six months should run after obtaining a decree. The Government, however, did not think that that would be fair to the tenant, and they have introduced a notice to the tenant so that he should have warning of what may have taken place. By our proposal the notice is to be served on the tenant; and the Government are quite willing to consider some Amendment not on the lines suggested by the hon. Member, but some Amendment which will provide for a slight delay between the obtaining of the decree and the serving of the writ of ejectment upon the tenant, so that the tenant should have time to turn himself round between the obtaining of the decree and the time when the decree will be enforced. I do not understand even the hon. Gentleman to desire that any delay should take place between the action of the Court and the action of the Sheriff. The hon. Gentleman went on to say that we facilitate the expulsion of caretakers by the latter part of the clause; but that, I apprehend, is an incorrect interpretation of the provision which appears in the Bill. We have practically and substantially left the law as it stands at this moment, with this change only, that we substitute the notice for the act of eviction. That is the only difference. We do not facilitate at all the expulsion of caretakers from the holding. That remains exactly where it is.

MR. DILLON: I do not wish to interrupt the right hon. Gentleman the Chief Secretary for Ireland; but I do not think that that is so. If he will look at the end of the clause, there is a careful and elaborate provision which will facilitate the expulsion of caretakers.

MR. A. J. BALFOUR: It is quite true that at the end of the clause there is what the hon. Gentleman describes as an elaborate provision; but its object is simply to facilitate the action of the officer by whom the expulsion is to be effected. It is out of the question for the Government to accept the suggestion of the hon. Gentleman that a caretaker shall not be expelled from the holding for six months, because that would have the effect of requiring the landlord to hand over his land for six months without rent. It would practically deprive the landlord of six months' occupation of the holding, and that, I think, is a proposition which it is impossible for the Committee to accept. If you give the tenant the land for six months, practically rent free, you would give him the greatest bribe not to do that which we all want him to do—namely, to come to some arrangement with his landlord. Therefore it is out of the power of the Government to accept the suggestion which the hon. Gentleman has made to us. But the Government, as I have said, will be bound to consider some plan by which undue hurry, harshness, and pressure may be avoided in any action taken by the landlord in enforcing the decree. We cannot possibly accept a six months' interval, but there may be reasons for giving an interval of some kind. I think I have endeavoured to meet the proposals of the hon. Member as far as I can, and I have pointed out the reasons why the Government cannot accept them.

MR. T. W. RUSSELL (Tyrone, S.): I hope that when I state that I am in favour of this clause hon. Members below the Gangway will not consider that I am in favour of eviction, or of making eviction easy. There are one or two questions in regard to the clause to which I should like to call the attention of the Government. The hon. Member for East Mayo (Mr. Dillon) has spoken of six months' redemption. I conclude he means that after a man has been evicted, and put back as a caretaker, he has six months to redeem the holding. That is the popular idea; but it is well that hon. Members should understand that it is not the fact under the law of 1860. Under the Act of 1860, although a landlord may put a tenant back as caretaker at 1*d*. a-week, the tenant can be turned out by an order from Petty Sessions within three days or a week from the time he has been put back.

MR. O'DOHERTY: Will the hon. Member allow me to say that he can be turned out by the neck within an hour?

MR. T. W. RUSSELL: I was putting the matter as moderately as I could. I am not a lawyer, and I only speak of these things from a layman's point of view. When the tenant is put back as a caretaker, with six months for redemption, it does not follow that he is to pass those six months on his holding. Now, I think that the Government has dealt with this question very fairly. It would be utterly impossible to put a man back for six months on the holding, paying no rent, and having the entire control of the holding. The Government are willing to consider the proposition in favour of the tenants. They do not propose to alter the law as it stands, and if the landlord puts a man back as caretaker he will have the same right as he now has under the amended law. As to the point of the service of the notice itself, I am afraid I am travelling beyond the scope of the Amendment, strictly speaking, as well as other hon. Members; but I believe it will shorten discussion in the end. As to the point of the notice itself, I think that it will put an absolute stop to one-fourth of the evictions, and do away with public scandal, and what has been made so very effective as a means of agitation by hon. Members below the Gangway. I prefer to keep these tenants in their holdings rather than have electioneering pabulum provided for hon. Gentlemen below the Gangway.

THE CHAIRMAN: I have been willing to allow the discussion of the clause generally; but I think that all matters of an irritating character should be avoided, and the hon. Member is going much beyond the Question before the Committee.

MR. T. W. RUSSELL: I have said all I desire to say that may be regarded as being of an irritating character. In conclusion, I will only point out that the proper time to consider the question of caretakers who have been put back on their holdings will be when we reach Clause 22. I understood the Government to consent to that course when the right hon. Member for West Birmingham (Mr. J. Chamberlain) was speaking last night, and that they implied that that was their idea. If that is so, and a caretaker is not in a position to avail himself of Clause 22, then he will undoubtedly be in a more dangerous position than I supposed. As to the other point regarding the retrospective character of Clause 22, I have an Amendment on that point which I propose to move at the proper time. I shall support the clause as a whole, and I hope that the Government will listen to reasonable Amendments which will not deprive the landlord of his property, and will not put either the landlord or the caretaker in a better position than he ought to occupy.

MR. T. M. HEALY (Longford, N.): There was not a clause of the Coercion Bill which was supported by more dishonest pretences than this clause. It has been said that the clause will get rid of double eviction, and get rid of the scandal which exists in the administration of the existing law. It will get rid of neither the one nor the other. It will tend, on the contrary, to render evictions easy, and the Government themselves must see how transparent the object is for which they are bolstering up the clause. There is no such thing as double eviction; and I challenge the Government to show whether there has ever been any trouble about what is called the second eviction. It is only an eviction in the sense that the officers of the law may see that the tenant is out of the holding; and I challenge the right hon. and learned Attorney General for Ireland (Mr. Gibson) to show that once a man has been put out he can go back again. If he did he would get six months under the Crimes Act. Where, then, is the double eviction if it is impossible for the tenant to get in a second time? Then what comes of the dishonest and hypocritical pretence that the clause is to put a stop to double eviction? It is a sham and a lie.

THE CHAIRMAN: Order, order! I must ask the hon. and learned Member to restrain the impetuosity of his language. He must be aware that the discussion is wide of the Question before the Committee, and that it can only be pursued by the indulgence of the Committee.

MR. T. M. HEALY: I have been much suprised by the language used out-of-doors by the friends of the Government. It is absurd to say that the clause will avoid scandal. It is much more likely to provoke it. There will be the same trouble and expense at evictions as before; even by the admission of the Government themselves, instead of two chances the tenant will only have one. What comes, then, of this humbugging pretence—["Order!"]—that double evictions and scandal will be avoided? Hon. Members opposite must restrain their impatience. I am not referring to language used by the supporters of the Government in this House, but outside of it. If there can only be one eviction now, what becomes of the second pretence, that the clause is to avoid the scandal of a second eviction? The tenant has not got two chances, and when once turned out of his holding he is out and cannot get back again; we are bound to discuss this matter. We are sent here by the frieze-coated men of Ireland, who at present have to get the money they pay to the landlords from America—from the servant girls of New York; and we firmly believe that all the fear of the Government in regard to a public scandal is that we have turned the bull's-eye of the policeman's lantern too strongly upon the wretched scene. The right hon. Gentleman the Chief Secretary has entirely mistaken the value which Lord Cowper and his Commission attached to this question when they recommended a clause of this kind. They have no desire to save the scandal of evictions; that was an after-thought. What they want is to break the tenant's interest in the holding. They want to provide that when the landlord serves his notice the tenant shall cease to be a present tenant, and that he or his successor shall be compelled to take a lease. It has nothing to do with preventing the scandal of evictions. That is not the secret of the clause. I challenge the right hon. Gentleman to show that a single scene has ever occurred at a second eviction. If the Government will prove to me that the successor of the present tenant will be able to subsist on the soil and have his full interest in it, I will make them a present of the clause. But they will not do it. More benevolent than Lord Cowper, they provide that the landlord shall send an attorney's letter and put a penny stamp upon it. Let me point out what will exactly happen. The landlord will send this letter, and in six months from that time the tenant is in his power. He can put on the tenant what rent he likes. He is as much at the mercy of the landlord as a lamb would be in the fangs of a tiger. He has no hope; he is a beggared man; altogether at the mercy of the landlord. Prove that he shall have a present tenancy in the holding if, after six months, he is able to beg, borrow, or steal the money to satisfy the just demands of the landlord, and you can have your clause. It is not to get rid of the scandal of double evictions that it is presented to the Committee. It is one of the electioneering dodges of the Government.

THE CHAIRMAN: Order, order!

MR. T. M. HEALY: Very well, Sir; I will say no more on that point. I will ask the Government to tell us whether they will give the tenant a present tenancy in the holding? I wish I could quote the words used many long years ago by Daniel O'Connell when this House was engaged in sweeping away, one by one, all the protections of the Irish tenant. The question was taken up eloquently by the right hon. Member for Mid Lothian (Mr. W. E. Gladstone) in 1870, and, later still, only last year, when he showed how, one by one, every point in the traditional policy of the country disappeared, and was substituted by the tyrannical and feudal policy which the Irish landlords have for so long a period maintained towards their tenants. Daniel O'Connell enumerated a list of Acts of Parliament as long as my arm passed by this House in the worst periods of Irish history in order to destroy the traditional tenure of the Irish tenant. This clause, about to be passed in the Jubilee year of Her Majesty, is a fitting climax to the list, and it is introduced after you have just passed a monstrous Coercion Act. All I ask is, that you should provide the tenant with a present tenancy. You prefer to evict him; but he is Paddy O'Rafferty still. Leave him in possession of his farm and he will have to pay the rent, and all the benefits of the legislation passed by the right hon. Member for Mid Lothian will be his. I regard this clause as being so bad that it entirely outweighs the benefit conferred by the Bill. I would rather lose the Bill than see it pass with this clause in it. I regard the Bill as a valuable one; but if it pass with this clause in it, then, I say, "perish the Bill," so far as I am concerned. The Irish Members below the Gangway represent men whose only chance, when a writ of ejectment is out against them, is to get a little time to scrape the money together to pay the landlord. They will never get that time under this clause. The Government know very well that these men's tenure will be broken by the serving of a six months' notice; and it is to break the tenure more easily that the clause has been introduced. It is to save no scandal, or prevent double evictions. What I want to secure is that the subsequent tenant shall always be the successor in title to the preceding tenant. That is what the Government wish to avoid, and not the scandal which now attends evictions.

COLONEL WARING (Down, N.): I hope that nothing I may say will add to the bitterness in which the discussion has been carried on. I am only going to add a very few words indeed; but I wish to ask the Government whether, under the circumstances, it is not desirable to consider the propriety of interposing an interval between the issue of the decree of the Court and the serving of the notice upon the tenant? The only wish of the landlord is to get payment of the rent of the holding, and he would not be likely to serve a notice with undue or indecent haste. Therefore, I hope the Government will consider the propriety of introducing a short interval between the serving of the notice and the actual eviction. As far as I have any experience of the matter, when a man is admitted as caretaker it is intended, unless he commits waste and does injury to the property, that he shall remain there. All I can say is that, if I thought he would do that, I would take the precaution of not putting him on as caretaker at all. When made caretaker he should remain on the holding for a reasonable time, unless he showed a disposition to destroy the property left in his care. Under all the circumstances, I would suggest that the Government should take the course I have pointed out; and so far as I am concerned, and such landlords as I have the honour to represent, we should not object to some such provision.

Mr. CHANCE (Kilkenny, S.): The Government say that this clause contains a valuable principle; that that principle they will not qualify in any degree; and that they are prepared to stand or fall by it. Practically, since last night they have thought over the matter, and it would now appear that they are not prepared to stand or fall by the principle of the clause. That is exactly what I expected, and I am not at all surprised at the course they have taken.

The CHAIRMAN: I have pointed out already that this is a somewhat irregular discussion, which, if permitted at all, should not be carried on in an irritating manner. I will, therefore, ask the hon. Member to confine himself strictly to the Amendment.

Mr. CHANCE: I will obey your ruling, Sir; but it must be admitted that on some subsequent occasion it will be necessary to have a full and free discussion of the clause. I understand that the object is to put a stop to harsh and unnecessary evictions. The right hon. Member for West Birmingham (Mr. J. Chamberlain) stated last night, in most positive terms, that the result of this clause would be to suspend or postpone evictions for six months after obtaining the decree of eviction. Now, I want to point out to the Committee two things in regard to this clause. The first is that in order to secure the eviction of the tenant it will only be necessary for the landlord to serve a notice. The landlord will reap all the benefit of the clause, which does not tie his hands in any way, while he does not confer on the tenant the slightest right or protection. Some remarks have been made about the existing state of the law; but I think they are altogether beside the question. I will not attempt to defend the present state of the law. It is admitted that it leads to harsh and unnecessary evictions; but I would ask the Government to tell me what the tenants will get under this clause? The clause is said to have been introduced, to some extent, for his advantage and his benefit, and I want to know what it gives him? It is provided, under the present law, that when once the decree of ejectment has been obtained that judgment may be executed, and the tenant put out of the holding. When the decree of ejectment has been obtained, the landlord may not, if he so chooses, evict the tenant on the spot; but he can, under this clause, serve him with a written notice, which would have the effect of instantly reducing him to the position of caretaker, and all the interest which depends on his legal tenancy would be determined. It does not give the tenant six months; it does not give him six weeks; it does not give him a respite of six hours; immediately after the notice is served the tenant may be put out. In cases where the operation of the clause may be compulsory it gives him no protection whatever, and landlords who have used the present law harshly will be inclined to use the new law still more harshly, because they will be able to serve a notice through the post with a penny stamp upon it. Well, they assert, then, that a notice served on the tenant will leave him in precisely the same position as if this clause never existed. The tenant has now six months to redeem the holding, and those six months will not commence to run until he has been actually evicted. That is a certain protection to the tenant, because before the six months begin to run not only must he go out, but every subtenant under him must go out also. Moreover, he has the fullest and most ample notice that the six months are commencing to expire. Therefore, while it is impossible to deprive the landlord of his rent during the period which must elapse for redemption under the present law, the landlord can only make a temporary letting during the six months, a thing it would be almost impossible to do. The tenant, therefore, would be retained, and would be bound to pay the rent for six months. If the landlord allows the tenant to remain there for the six months he cannot be deprived of his rent to the extent of one penny; but, at the same time, he cannot evict. Under this clause the whole period of redemption may have commenced to run, and although the tenant is on the holding he may not have received his notice. It may have been posted on the police barracks; the time may be going on; and it really means eviction without the slightest hope hereafter for the tenant, and the eviction which would be likely to be opposed to every extremity by the person whom the landlord seeks to evict. At present when a tenant is evicted not only is it the tenant who is dealt with, but the sub-tenants also, although they get notice that if they want relief they had better go to the head tenant and come to some arrangement. This clause says, on page 3—

> "Such notice may be in the form contained in the Schedule to this Act, or to the like effect, and may be served by the person entitled to the possession of land under a judgment in ejectment for non-payment of rent, upon every person served with the writ or process in such ejectment who at the time of the service of the notice shall be in possession of such land, and if no such person is in possession, it may be posted in the prescribed manner; and a copy of such notice shall be filed in the Court in which such action is pending within the prescribed time. Upon such service or posting the tenancy in the holding shall be determined as if a writ of possession under the judgment has been duly executed."

We then come to paragraph 2 of the clause, which is to the effect that—

> "Every person upon whom such notice is served shall thereupon be deemed to be a person put into possession as a caretaker, and the enactments of 'The Landlord and Tenant Law Amendment Act (Ireland) 1860,' relating to persons put into possession of lands by permission of the owner as caretakers shall apply as if on the date of the service of the notice a writ of possession had been duly executed, and such person, having been removed from possession, had been re-admitted as caretaker."

If the notice is served on the head tenant alone he is the caretaker, and when once the notice is served the tenancy is absolutely determined, and also that of all sub-tenants, without a particle of notice being given to the sub-tenants. The sub-tenants can, in fact, be dispossessed entirely without notice.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): That is not so.

MR. CHANCE: At any rate, the notice may be fixed to the wall of the police barracks without being served on the sub-tenants at all. So much for the dissent of the right hon. and learned Gentleman; but the clause does not end there, because if hon. Members will look at the end of it they will find the following words:—

> "In this section expressions referring to the service of a notice upon persons in possession of land shall include the posting of a notice where no person is in possession."

Provision is also made in this clause for the execution of a decree by special bailiffs. Anyone who has followed the course of events in Ireland will know that where the Sheriff and the police have had the matter of evictions wholly in their hands there has been less hardship, disturbance, and trouble than when the landlords have had it wholly in their own hands with the assistance of Emergency men who are the servants of the Property Defence Association, and who have often acted with the greatest brutality. The Government find a substitute for eviction by the Sheriff; they take power under this clause to put the execution of the decree of ejectment in the hands of men like Wood, who has disgraced himself in every way. I think it would be far kinder to the tenants to enact that the execution of decrees should only be effected by the Sheriffs' bailiffs, who perform their duties with far less heartlessness. The clause, as it stands, will, in my opinion, lead to much friction and trouble, and there will be far more brutality than has been experienced up to the present. I hold that the tenant would derive no benefit from the clause; it would, on the other hand, improve the landlord's position, because it would have the effect of shortening the period within which the tenant can redeem. Lastly, I maintain that the effect of the clause would not be, as at present, to postpone for six months unnecessary and harsh evictions.

MR. GIBSON: The hon. Member for East Mayo has suggested a large number of Amendments to this clause. Possibly the discussion of those Amendments might be facilitated if some of the difficulties he suggested could be met in any way. The speech of the hon. Member was replied to by the right hon. Gentleman the Chief Secretary for Ireland; but since then the discussion has assumed a very polemical aspect, ranging over the entire clause, and embracing the whole of the matters which will have to be discussed when the clause, as amended, is finally put to the Committee. I do not think that any Member of the House below the Gangway has any reason to complain of the way in which my right hon. Friend met the observations of the hon. Member for East Mayo. It was suggested by my hon. and gallant Friend the Member for North Down (Colonel Waring) that it might be possible to meet one difficulty which has been suggested and discussed in all parts of the House—namely, that there should be an interval between the judgment and its execution. It has been said that the judgment may be possibly unknown to the tenant, and that there is also a danger of his attention not being called to the notice. My hon. and gallant Friend suggests that there should be a short interval between obtaining the judgment decree and the execution of a formal notice. That is a suggestion which is worthy of consideration and discussion at the proper time, and the Government will not be prepared to approach the consideration of that question in any unfriendly spirit. The Government have never vacillated in their view the importance of the clause; but, as far as it has been possible, they have shown that they are prepared to deal with the question in a fair spirit. Nevertheless, the discussion has proceeded, and the hon. Member for South Kilkenny (Mr. Chance) has taunted the Government with having abandoned the position they took yesterday in regard to the clause. I do not know why a disposition to consider the matter in a fair and proper spirit should be regarded as an abandonment of the principle of the clause. The hon. Member taunts us with a want of firmness in not adhering to our own declarations; so that his complaint of the Government is that they are willing to consider every suggestion for the Amendment of the clause in a fair and equitable spirit. The hon. Member thinks that is a proper reason for taunting them, and for prolonging the discussion. I understood that the object of the discussion was to remove certain difficulties, so that hon. Members might abandon unnecessary Amendments after they had ascertained the views of the Government. As I have said, the Government acknowledge the importance of this clause. The intention of the clause is this—that instead of unnecessary expense and harsh evictions, involving hardship upon many persons, a notice should be substituted; and in the opinion of the Government that notice will have the effect of making it unnecessary to expose the tenants, in a great majority of instances, to the necessity of being put out of their holding. I will tell hon. Members exactly how the notice will work, because I do not think it was very clearly put to the House by the hon. and learned Member for North Longford (Mr. T. M. Healy). The way in which the law works at present is this. If it is found necessary to evict the tenants of 1,000 holdings in Ireland, and to enforce ejectments for non-payment of rent, the landlord is obliged, by going through the necessary forms, to put every tenant out of his holding lock, stock, and barrel. That is a necessary condition precedent before he can get any advantage from the ejectment decree at all. If the landlord finds it necessary to resort to an ejectment, in order to obtain the slightest advantage from the decision of the Court it is necessary to have this complete dispossession, and to carry it out within a certain limit of time. According to the computation of the Government, it has not been found necessary to put out more than 300 tenants out of 1,000 decrees obtained. Consequently, it is necessary, where there are only 300 effective evictions, to put 1,000 families to the pain and expense which is occasioned to them by executing writs of ejectment. It is necessary to enforce the ejectments before the landlord's rights will commence to run; and the Government propose to substitute for the present mode of procedure a more inexpensive and natural operation, such as the serving of a notice. Then afterwards, if it is found necessary in consequence of the parties not coming to terms, the decree may be enforced. At present, when a judgment in ejectment is executed most of the tenants are allowed to go back as caretakers, and if the landlord is not able to come to terms then he has to enforce the decree, and to put them out of the character of caretakers. What we propose to do is to substitute for the formal eviction, which is now necessary in order to give effect to the ejectment, the service of a notice, and we should be quite ready to consider the suggestion of the hon. and gallant Member for North Down that an interval shall be allowed to run between the delivery of the ejectment decree and the action of the notice which is substituted for the decree of the Court. Some other matters have been discussed; but it would be rather inconvenient if I were to refer to them now. This discussion, which was entered into in order to facilitate the disposal of the Amendment, has already occupied an hour. There was, however, one matter in which the hon. Member for South Kilkenny was completely in error. [Mr. CHANCE dissented.] The hon. Member shakes his head, but he cannot shake the section out of the Act of Parliament. I refer to the provision of the section with regard to the service of notice. The hon. Member said that the clause only requires notice to be served on the chief tenant, and that the under tenants on the property will know nothing about it. Now, I say to the hon. Member, with full knowledge of the clause and of the sections of the Act of Parliament which govern it, that he is wholly incorrect. It is necessary to serve under the 55th section of the Act of 1860 a notice of ejectment on every tenant who holds under a head tenant, so that in order to get a valid ejectment notice must be served upon every one of them.

MR. CHANCE: I deny that.

MR. GIBSON: The section says—"Every person in occupation of the land."

MR. CHANCE: Read on.

MR. GIBSON: "Who at the time of the serving of the notice shall be in possession of the land as tenants or under-tenants." What I call the attention of the Committee to is that the persons to be served with notices of eviction are the tenants, and the whole of them must be served with notices if they remain in possession. I think that the hon. Member has mistaken the meaning of the clause, and all I mention the matter for is to point out that I do not agree with him in his view. I would now venture to suggest, as an hour and a quarter have already been occupied in this discussion, that the Committee should proceed at once to discuss the Amendments which are very numerous — almost as thick as snowflakes.

MR. MAURICE HEALY (Cork): I wish the Government would definitely make up their minds whether this clause of the Bill will be of advantage to the landlord or the tenant. That point once settled would greatly clear the ground for the purpose of arguing the clause. We are now met with a double set of arguments. We are told when we say it is for the benefit of the landlord that it is nothing of the kind, and when we argue the other way and say that it may be for the benefit of the tenant we are met with a contrary declaration. The right hon. and learned Attorney General for Ireland (Mr. Gibson) appears clearly to have made up his mind, because he has spoken in the loftiest and most offhand manner of the landlord evicting 1,000 tenants, and he appears to have made up very satisfactorily to his own mind for whose benefit this clause is introduced into the Bill. I, for one, am inclined to get rid of the contention which was originated, I think, not for consumption in this House, but for consumption "elsewhere," that there is nothing in this clause which is hostile to the unfortunate Irish tenant. Why do we oppose the clause, and insist that the law as it stands in the matter of redemption is more favourable to the tenant than the law as it will be if this Bill passes? What is the present state of things? The right hon. Gentleman the Chief Secretary tells us that what we want is the odium of evictions and the public scandal which now attends their enforcement——

THE CHAIRMAN: Order, order! I have already on three occasions endeavoured to stop that form of discussion. In my opinion these questions have been sufficiently discussed, and I invite the hon. Member to address himself to the Question directly before the Committee.

MR. MAURICE HEALY: I can assure you, Sir, that I do not approach the consideration of the clause in a contentious spirit, and I intend to address myself to the direct operation of the clause. My object is to show why the clause is objectionable, and I think that in that direction what I am about to say will be relevant. What we desire is that the process of eviction should continue to be, as at present, as troublesome to the landlord, for various reasons, as it is now. The very fact that it is troublesome to the landlord is a protection to the landlord. That is my argument, and I do not know that I need elaborate it. What is the present state of things? The Irish landlord is not a very soft-hearted person; but even to the Irish landlord eviction is so odious and so unpleasant that he will hesitate before he goes to the extreme length of the law. The effect of that is seen in the fact mentioned by the right hon. and learned Attorney General for Ireland—that out of 1,000 decrees of eviction, in the interval which elapses between the obtaining of the writs and their ultimate execution, scarcely one in 10 is carried out. Now, I venture to say, and I have had some little experience of the matter, that not one in 10 of the writs of eviction or decrees of ejectment for non-payment of rent obtained by the landlords is ever put in execution. I will further say that of those which are put in execution, not one in 10 is put in execution immediately, or without a very long interval of time between the time at which they were obtained and the time they were put in execution. That is our whole case. The tenant has that protection precisely because eviction in Ireland is a troublesome and unpleasant process—a process which brings odium and public notoriety on any person who freely indulges in it—and no Irish landlord will resort to it, except in what he may consider an extreme case. I invite hon. Members opposite to consider whether that is not a more reasonable explanation of our attitude in regard to the clause than the suggestion that we desire to keep up the scandal of evictions for some ulterior electioneering purposes? On the contrary, I may say that if the clause was really what it professes to be—a means of putting a stop to evictions, an agent for rendering evictions pure and preventing them in large numbers—there is no section of this House which would jump at it more readily than hon. Members who sit on these Benches. What is the argument of the Government on this point? The right hon. and learned Gentleman the Attorney General for Ireland has dealt in a light-hearted manner with the case of a landlord who wants to evict 1,000 of his tenants, and he says that at the present time, before he can get rid of them, he must go through the unpleasant process of putting every one of them out, "lock, stock, and barrel." He tells us, however, that when the time of redemption is about to expire, and the last day of grace has come, three-fourths of these 1,000 tenants in some way manage to settle their differences with their landlords, and ultimately only one-fourth are evicted. Now, why do the three-fourths remain? It is because they are absolutely at the mercy of the landlord, and have no alternative but to accept the terms he chooses to force upon them. What have we witnessed in Kerry in the last six months? We have seen the Sheriff going out with a writ of eviction in one hand and an agreement of purchase in the other—using the one as a crowbar to enforce the other. If this clause passes there will be no longer any necessity for that. The landlord will not have to send out the Sheriff at all. All he will have to do will be to serve a notice with a penny stamp on it, and the process will be quite as effective as if he had all the machinery of the law at his back. That is the answer to the right hon. and learned Gentleman's statement about the 1,000 tenants, three-fourths of whom settle. They settle because they are at the landlord's mercy, and because they are willing to do anything and offer anything rather than take the only alternative open to them—namely, to walk to the workhouse door or beg their bread on the public road. This is a monstrous proposition, because the tenant is helpless and must accept whatever his landlord offers him. Is it desirable that, in such a state of things, the process of eviction should be rendered less troublesome to the landlord than that to which the landlord is compelled to resort at present? If this clause passes the mere posting of a letter to the tenant will be sufficient. I was quite impressed with one argument which fell from the right hon. Member for West Birmingham (Mr. Joseph Chamberlain) on the second reading of the Bill. He said that the person he feared when the clause came to be put in force was not the landlord, but the solicitor or attorney. Now, let me tell the Committee that that was a most just and far-reaching observation. Hon. Members opposite seem to think that the landlords will only serve those notices which are to determine the tenancy in the same sense as they would put the tenants out ultimately. But that is not the case. It would be the duty of the solicitor who obtained the ejectment decree to serve a notice the very day after he got it. Any solicitor worth his salt, or who knew his business, would be bound, in the interests of his client, to serve the notice, and instead of having a few decrees in 10,000 executed, you would have this notice to determine the tenant's interest served in every case in which a decree of ejectment for non-payment of rent has been obtained. That is my real answer to this clause. Instead of one case in which the landlord resorts to eviction there would be 100 in which the notice would be served; and that is the reason why I shall continue to offer a strenuous opposition to the clause. Great stress has been laid on the enormous concession the Government has made in not accepting the Report of the Cowper Commission in all its nakedness — namely, in letting six months run from the date of the ejectment decree. Now, that does not make the smallest difference. It would be the duty of the solicitor, when he got the ejectment, to serve the notice, as the consequence necessarily resulting from the decree, and any solicitor who neglected to do so would be neglecting the interests of his client. That being so, so far from the clause diminishing evictions—so far from it, in any way, decreasing the number of cases in which the last extremity of the law would be ultimately resorted to—the effect of the clause will be to increase the cases of eviction one hundredfold by the facilities which the law will give to the landlord and his agents. There was one great point made by the Chief Secretary. We in this quarter of the House have pointed out, and justly pointed out, what the effect of this clause is. The general impression is that the tenant can remain in occupation during the six months allowed for redemption. The fact is, that the very day after the notice is served he may be put out—put out not merely by a magistrate's order, but put out without any legal process whatever. The right hon. Gentleman the Chief Secretary deems it a sufficient answer to say that that is the existing law. We were told when the Bill was introduced that the Irish tenants were to get some consideration for what was to be taken from them, and we were further told that that consideration was an extra six months on his holding. We do not hear now that he is to get anything of the kind. The Government are determined to take the law as it stands, and to deprive the tenant of every protection by insisting on this process in regard to evictions. They leave the law as it stands at present, and they enable the tenant to be put out of the holding the very day the notice has been served. What is the effect of that? Of course, it is necessary to facilitate the process of eviction. The landlord now has first to get his ejectment; he has then to serve a notice on the relieving officer; he has then to put the writ into the hands of the Sheriff for execution; and the result is that, in a majority of cases, months and months, and sometimes years, elapse before the writ is executed. Indeed, I have known landlords allow the decree to lapse before putting it into operation, because they knew they would have to go through the unpleasant process of carrying out the eviction. But when this clause is enacted, all the landlord will have to do will be to serve his notice, and the very day after he can either send his servants to the tenant's house and put him out without legal process, or he can go to the nearest Magisterial Bench and get an order from the magistrate, which I suppose will be executed, as all his orders are, without any of that fuss and unpleasantness which hon. Gentlemen opposite so much object to. We protest against the claim that the tenant is getting anything from this clause. The assertion that he is getting an extra six months upon the land is the merest show and pretence. On the contrary, the tenant will be more helpless than he is under the present law, and in consideration of being put in that helpless condition he will not get a single additional day on his holding which the law does not now give him. These are a formidable set of reasons why we should resist this clause in its present shape, seeing that it is so much more overreaching than the law as it now exists. It is not only an obnoxious but a dangerous clause—a clause which has no object but to facilitate evictions and to make the position of the unfortunate Irish tenant ten times more helpless than it is now. Sitting on these Benches we should be false to our duty if we do not fight every line, word, and even comma of the clause.

The CHAIRMAN: I have repeatedly pointed out that this discussion is irregular in its character. It originated with the hon. Member for East Mayo (Mr. Dillon), who submitted three points to the consideration of the Government, an answer to which he thought might facilitate the consideration of the clause. For that purpose, perhaps, discussion was convenient; but the procedure has now degenerated into a discussion of the entire clause. It is therefore right, I think, that the discussion should cease, and that we should come back to the Amendment before the Committee, which is to leave out the word "in" and insert "for the space of three years after the passing of this Act." The Question is, "That those words be there inserted."

MR. O'DOHERTY: As I had the honour of moving the Amendment, and had not intended to go into the whole subject, I think it is only proper that I should correct an error into which the right hon. and learned Attorney General for Ireland has fallen in respect of proceedings against the caretaker.

THE CHAIRMAN: That is not a matter that is relevant to the Amendment.

MR. O'DOHERTY: Then I have nothing to add to what I have already stated. I do not think that I have been answered by the right hon. Gentleman the Chief Secretary for Ireland in the arguments upon which I have based my proposal for making the clause correspond to the temporary period which was to bridge over the arrangement between landlord and tenant, until purchase comes in. Up to this moment I have heard no answer to that part of the question. Indeed, it seemed to be unanswerable, although the right hon. Gentleman admits himself that the provisions made for reduction of rent, which will follow that period, are also to be confined to three years. His only answer was that there was no analogy between the two things.

MR. SHAW LEFEVRE (Bradford, Central): Before the discussion closes I should like to say a few words in order to explain why I think the clause ought to be a temporary and not a permanent one. The question immediately before us is, as far as I can understand, a very difficult and highly technical question; I had no very strong feeling against the clause when I first read it, and I thought there was a good deal to say in its favour. It appeared to me that it was desirable to do away with what has been called the double evictions; but after the discussion which has taken place, I think the Irish Members have made out a strong case against the clause. Under those circumstaces, I think it scarcely worth while for the Government to press the clause without, at all events, some attempt to give it a temporary character. What is the real effect and purpose of the clause? It is introduced for the purpose of substituting a written notice for the process of first eviction. What would be the legal effect of that? The tenancy would be broken, and the tenant would cease to be a present tenant, and simply become a caretaker.

MR. GIBSON: That is not so.

MR. SHAW LEFEVRE: I do not think I am mistaken. No doubt the tenant would have the power of redemption; but he would be converted into a future tenant instead of a present tenant. What would a bad landlord do, and nobody can doubt that there are bad landlords in Ireland? Let me put the case, as suggested by the Attorney General for Ireland, in which a landlord seeks to get rid of 1,000 tenants. He can only get rid of them at present by breaking the tenancy of every one of them, and ousting every one from his holding. By this clause he would be able by a simple paper notice to convert them into mere caretakers. It does not follow that he is to go further, but being reduced to the position of caretaker, the tenant will be at the mercy of the landlord, who may reject him at any moment. He may convert him into a future tenant, and leave him in that position month after month, and year after year. It therefore appears that under this clause there is a possibility of making a material and substantial change in the future position of the tenants of Ireland. I should not be surprised if, under this clause, a large number of the tenants were converted into caretakers, and their status materially altered in future. Under these circumstances, it is worth while to consider whether the clause ought to be made of a permanent character. If so, let us be satisfied of the justice of the change before we make that permanent alteration in the law of a substantial character, and place such a powerful weapon in the hands of bad landlords, who may make a most improper use of it.

MR. A. J. BALFOUR: The right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre) appears to be under the impression that we are doing something to the tenant in the way of breaking his tenancy, which is not done in the law as it at present stands. We are doing nothing of the kind. Under the law, as it at present stands, the tenant is entitled to be evicted out of the holding, or left as a caretaker. If he has the power of redemption, and if he exercises that power of redemption within six months, he does not become a future tenant, but will be a present tenant under the old tenancy. [Mr. SHAW LEFEVRE dissented.] The right hon. Gentleman shakes his head. I assure him he is wrong in his law. If we were of opinion that the effect of the clause we propose would be to break the tenancy, and make a man a future tenant who would not otherwise be a future tenant, we should certainly modify the clause. But I assure the right hon. Gentleman that he is wrong in his law. Then the right hon. Gentleman tells us that the clause gives increasing facilities to the landlords, by which they will be able to convert their tenants into caretakers. That argument I have already answered from a broad view of the Bill. I venture to point out to the Committee that what hon. Gentlemen appear to value is a check which amounts to a revolution—namely, the check upon the exercise of the landlords' rights by requiring him to incur the odium and traceable of resorting to eviction. Where a landlord resorts to eviction it now becomes necessary to employ hundreds of policemen, hundreds of soldiers, and practically to enter upon a siege, and thus there has been brought about a form of civil war. We do not think that that is a proper check to apply to any law. Apply any other check if you like. We have applied other checks, and the right hon. Gentleman has made no allusion to those other checks which are a material and integral part of the policy of the Government—I refer to Clause 22, under which the Court has a discretionary power to stay proceedings, and to reduce even judicial rents when they become harsh owing to a fall in prices. If we succeed in carrying through the Committee the further remedial measures which we have put on the Paper it will be impossible to carry out harsh evictions. I trust that the right hon. Gentleman will see that we have put a proper kind of check upon the abuse of the law such as that which he appears to fear. I hope he will see that I have met his arguments, which are based upon a misrepresentation of the effect of this clause; and I hope he will also recollect that the proper corollary to making this clause temporary would be to make Clause 22 temporary. A proposal to that effect was made in the House of Lords; but it was resisted by the Government. Of course, if anything of this kind in regard to the present clause were carried against the wishes of the Government, and the clause were made temporary, it would be absolutely necessary to make Clause 22 temporary, and to enact that it should last for three years only.

MR. SHAW LEFEVRE: The right hon. Gentleman has misinterpreted what I said in regard to the law. I did not for a moment pretend that caretakers called into operation under this Bill would have any other position than the legal position of caretakers under the law, as it now stands, I do not deny that they will have the equity of redemption, and that these status will be ignored if they do redeem. What I said was that the Government, by this clause, are putting into the hands of the landlords the power of creating a larger number of their tenants caretakers by serving them with a simple notice, and I feel convinced that bad landlords will avail themselves of that opportunity in regard to tenants who are unable to pay their rents.

MR. PARNELL (Cork): I express my regret that I was not in my place to move this Amendment, but which has been moved in my absence by my hon. Friend the Member for North Donegal (Mr. O'Doherty). I desire to confine myself, Mr. Chairman, strictly within your ruling, and if, in speaking upon the question, I trespass beyond the line which you have most properly laid down it will be entirely the result of inadvertence. Owing to the fact that we were not in a position to know the form in which this Bill would pass through Committee I have pressed upon the Government the desirability of postponing the consideration of this clause, and I would again urge upon them the necessity of postponing it until, at all events, Clause 22 has been considered. I wish to point out that my attitude, and the attitude of my hon. Friends, with regard to this clause will depend very much upon the form of that clause, and upon effectual protection being given to the tenants by the remainder of the Bill in the way of preventing evictions, providing for the reduction of unfair rents, and the manner in which it is intended to deal with the question of arrears. If these three points are fairly provided for I think this clause might pass without any very great danger, at all events, if it be limited to a period of three years. I do not join with my hon. Friend the Member for East Mayo (Mr. Dillon) in saying that, under any circumstances, no matter what this Bill may become, I would consider it my duty to oppose the clause, as he intimated his intention of doing last night, with unceasing pertinacity. If we postpone the clause we shall be in a position thoroughly to weigh the balance between the risk of losing the Bill on the one hand, and the undoubted risk which will be incurred if the clause is passed in its present form, and if the Bill does not eventually contain those provisions on behalf of the tenants which I have alluded to. Now, these are matters of grave importance, and their ultimate issue must influence our action very largely. We are not now in a position to judge of the extent to which the opposition to this clause ought to be carried at present. I do not think I was fairly met by the right hon. Gentleman the Chief Secretary for Ireland (Mr. A, J. Balfour) last night, when he said that my speech was intended to convey either a warning or a threat. I submit that it was not intended to convey either a warning or a threat, and that it was unfair on the part of the right hon. Gentleman to characterize it as he did, without attempting to point to a single passage in the whole speech which could be held to indicate such intention. Now, the effect of the clause has undoubtedly been very fairly explained by the right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre) and the clause undoubtedly does give the landlord power in the case of a tenant in arrear of rent by serving a paper notice upon him, and without taking further steps to constitute that tenant a caretaker. At present that cannot be so; he need not evict the tenant until six months have passed, but he can evict him on the next day, and in that respect the position of the tenant is not altered because the landlord can evict him in the same manner as he can under the present law. Under the present law the status of the tenant cannot be interfered with before process of eviction, and before that is obtained there is time in which negotiations may take place between the landlord and the tenant, and which undoubtedly have prevented hitherto many evictions. But if this clause be passed it will not be necessary for the landlord to resort to the process of eviction. Even in the case of 12 months' arrears, and practically as regards six months' gale, although not always, it will not be possible for the landlord to deprive the tenant of his status. It is said that the tenant can re-instate himself within the period of six months, but he can only re-instate himself with the consent of the landlord. Even if he pays the rent and costs after the receipt of notice that will not re-instate him in his position as tenant. He must apply for the right of restitution, and that is an expensive and difficult process, because no tenant can apply personally to the Court; it will be necessary for him to engage a solicitor. Whereas the landlord by this inexpensive form of process is able to get rid of the status of the tenant, the tenant on the other hand, although he pays up all the rent and costs, is not able to recover his status without going to several pounds expense, and I believe that the granting of the right of restitution is at the discretion of the Court, and that an appeal lies against the decision of the Court. Now, these are grave perils in the way of ignorant tenants throughout Ireland, and I ask what prospect there is of many of them knowing anything about their position with regard to recovering their status, and the means which they ought to adopt for that purpose? I think there is very little chance of their recovering their position, and unless the Bill really raises an effectual barrier to the immediate action of the landlord by interfering with the proceedings under Clause 22, we shall have seriously to consider our position with regard to the Bill—we shall have to balance the *pros* and *cons*, and we shall have to consider on one side the effect of giving up the Bill as compared with the opposite course. This is a question which will have to be fully considered, and I would remind hon. Gentlemen who represent constituencies in the North of Ireland, that they incur a very grave responsibility in supporting this clause, which would not be in the Bill at all but for their support. I think I have shown no desire to press the Government unfairly, or urge them to make undue concessions by prolonging debate in reference to any part of this Bill, and I shall be no party to prolonging debate on this clause, or asking the Government to make any undue concessions with regard to it. But the position is a very serious and grave one, if Clause 22 does not give the protection necessary to do away with the evils brought into the situation by the adoption of this clause. I hope, therefore, that the clause will be postponed, and that we shall be able to go forward with non-contentious matter.

THE CHAIRMAN: I point out to the hon. Member with respect to his suggestion that the clause should be postponed until after Clause 22 has been disposed of, that the Committee last night decided against the postponement altogether, and a further proposal to that effect cannot now be made.

MR. PARNELL: Would it be in order for the Committee if it so desired to recall its decision?

MR. A. J. BALFOUR: The remarks of the hon. Member for Cork divide themselves into two portions, one of which deals with general policy, and the other with legal questions relative to the clause. I think we have discussed the legal points sufficiently, but I may remind the hon. Gentleman that this clause does not make any alteration whatever in the status of the tenant as the hon. Member supposes. It substitutes, no doubt, a notice for process of eviction, but with that single change it leaves the status of the tenant after the notice exactly where it was. I think the hon. Member is under a wrong impression as to what the law is at present. He alluded to the fact that the landlords and tenants habitually came to some arrangement, or, at least, had the opportunity of doing so. I regret that the hon. Member was not in the House when I made my first statement this morning, at which time I admitted that it was the duty of the Government to consider, and that they were prepared to consider, whether there might not be some slight delay interposed between the obtaining of the decree and the serving of notice upon the tenant.

MR. PARNELL: I heard that.

MR. A. J. BALFOUR: Then the hon. Gentleman will forgive me for saying that if he heard me making the statement he did not allude to it in his speech. The hon. Gentleman went on to say that while this clause cheapened the procedure of the landlord it left the procedure of the tenant as costly as at present, and he gave a description to the House of the cost to which the tenant would be put in endeavouring to re-instate himself as present tenant. The process to which the hon. Member refers is a writ of restitution; but I believe that, as a matter of fact, that is not the common method by which a tenant is re-instated. The hon. Member went on to complain of my representation last night that his speech had conveyed to the Government a warning or a threat. I at once withdraw the word "threat" as having possibly an unfair application; but I certainly understood the hon. Member last night to give a warning, and I certainly understood him this morning to repeat that warning. If I understand him aright he said that he intends to balance in his mind whether he should not destroy the measure which the Government have brought in to relieve the tenants in Ireland, and if that is not a warning I am at a loss to attach any meaning to the word.

MR. PARNELL: I spoke with reference to the statement of the right hon. Gentleman the First Lord of the Treasury.

MR. A. J. BALFOUR: The hon. Member has stated that he should consider whether he would wreck the Bill if this clause were retained, and the hon. and learned Member for North Longford (Mr. T. M. Healy) I also understood to say—"Perish the Bill if this clause remains in it!" Therefore, I think I am not misdescribing the action of hon.

Members opposite, when I say that they are actually hesitating whether they shall destroy the largest measure of relief for the Irish tenants ever introduced, merely because the Government have added to the Bill a clause relating to a legal process, and one which we hold as beneficial to the tenant, and an enormous gain to the cause of law and order in Ireland. I hope the hon. Member will withdraw the warning he has given, and that he will not reproach the Liberal Unionists in this House with having endangered the passing of the Bill by the aid they have given to the Government. The hon. Member knows that Clause 22 is not the only clause of an equitable nature by which we propose to restrain evictions. The Government presents it in conjunction with other clauses which will prevent the extra powers, if extra powers there be, from being harshly enforced by the landlords. The hon. Member wants to postpone the clause until he sees what happens with regard to the other clauses of the Bill; but there are hon. Gentlemen who may wish to postpone other clauses until they see what becomes of this clause. The truth is that the whole of this Bill is connected in its parts, and you must discuss those parts in regular order. The remedy which the procedure of the House applies to the difficulty lies in the fact that there is a later stage—the Report stage—on which the House can consider the Bill as a whole. The hon. Gentleman will then be able to consider this clause as it leaves the Committee in connection with Clause 22 in the form in which the latter leaves the Committee, and if hon. Members feel seriously that the evils inflicted on the Irish tenants by the Bill outweigh the advantages given to them, it will then be time enough to wreck the Bill. I hope the hon. Member will see that, if this measure does not give all that he desires, it gives him, at any rate, more than he has ever yet been able to obtain from any former Government.

Mr. T. W. RUSSELL: I did not hear the whole of the speech of the hon. Member for Cork (Mr. Parnell), but I have been in time to hear some of the observations which he addressed to myself. He told us to consider carefully what we were doing in this matter, because this clause would not be in the Bill, but for our support. I do not think the hon. Member is entitled to say that we have had anything to do with the introduction of this clause or any other clause of the Bill. We have given our support to it because we think it is something which will be of advantage to many tenants, and of enormous advantage to law and order in Ireland. I am prepared to go through with my support of the Government in respect to this clause, although I desire to see it made as lenient as possible for the tenants; and if the Government stand by it we shall vote for them. [*Ironical cheers.*] Hon. Gentlemen may cheer, but I hope they will do us the justice to think that we have done our best for the tenant farmers in Ireland. The hon. Member for Cork stated that it would become the duty of himself and his Friends, if this clause were persisted in, to consider whether they should not allow the Bill to go rather than accept it under the circumstances. That, at least, is what I understand him to say, and that is what the right hon. Gentleman the Chief Secretary for Ireland has just said he understood. Now, I have had during the last week the advantage of seeing a deputation of Ulster tenant farmers, who came to consult with me and my hon. Friend the Member for South Londonderry (Mr. Lea). I took pains to place this clause before them and consult them upon it, and it was their deliberate opinion that it ought to be supported by my hon. Friend and myself. What I wish to tell hon. Members below the Gangway is that if they are going to run the risk of wrecking this beneficent measure for the sake of Clause 4 which is offensive to them, and which they think to be against the interest of certain farmers in Ireland, they will take a vast responsibility on their shoulders. I say that this is the best measure that has ever been introduced for the tenants in Ireland; I believe that it is only under exceptional circumstances that such a measure could be passed, and speaking in the name of a section of the farmers of Ulster—[*Cries of* "Oh, oh!"]—I am quite prepared to compete with the hon. Member for Cork for the confidence of the Ulster tenant farmers, and I say that if the hon. Member and his Friends run the risk of this Bill being lost for the sake of the 4th clause, they will take upon themselves the heaviest responsibility that mortal men ever undertook in this House, and will do the tenant farmers of Ireland irreparable injury.

MR. T. P. O'CONNOR (Liverpool, Scotland): I rise to enter a protest against the hon. Member for South Tyrone (Mr. T. W. Russell) saying that he speaks in the name of the farmers of Ulster.

MR. T. W. RUSSELL: I spoke of a section of the farmers of Ulster.

MR. T. P. O'CONNOR: The hon. Member said nothing about a section, and, seeing that he and the hon. Member for South Londonderry are the only two out of all the Ulster Members, the hon. Member's pretension goes beyond the limits of reason and endurance. I am disappointed at the way in which the Government have received the remarks of the hon. Member for Cork. You, Mr. Chairman, have found it necessary to restrain the language of some Members who have spoken on this clause; but I say that it requires all a man's self-control to speak on a clause which is defended in this manner by the Government. Here is a clause which will work enormous evil to the Irish tenant farmers, but which is defended as a boon to them. I think I am, under those circumstances, entitled to demand a little patience at the hands of the Committee in dealing with arguments so utterly contrary to common sense. The hon. Gentleman threatens us with all kinds of pains and penalties if the Bill be lost; but if any pains and penalties rest upon any section of the House it is with the Government for insisting on a clause which is condemned by an important Member of their own Party. In this matter the Government are going in opposition to the counsel of their own Friends; and the responsibility for what may occur will rest, in the first place, upon them, and, in the next, on those hon. Members above the Gangway who call themselves Liberal Unionists.

THE CHAIRMAN: I must ask the hon. Member to confine his observations to the Question before the Committee.

MR. T. P. O'CONNOR: I was referring to some observations of the hon. Member for South Tyrone. I will not, however, attempt to interfere with your ruling. The right hon. Gentleman the Chief Secretary for Ireland stated over and over again that this clause would make no difference in the status of the tenant. That, at all events, is inaccurate and unfounded. The clause in its present form will most seriously endanger the status of the tenants. At the present moment the almost universal custom is that 12 months should elapse between the time when the judgment is obtained and eviction.

THE CHAIRMAN: I must again call the hon. Member's attention to the point before the Committee, which is whether this clause is to be temporary or permanent in its action.

MR. T. P. O'CONNOR: I feel that I am speaking rather under difficulties, because I understand the right hon. Gentleman the Chief Secretary for Ireland to have raised the question as to the position in which the Bill at present stands before the House, and the attitude which a section of the House may be compelled to take up with regard to it. I am pointing out that we are compelled to take up an attitude of hostility if the Government are not prepared to modify this clause. The right hon. Gentleman has thrown out some hints of what he is prepared to do, but I think it would have been well if he had been a little more definite. He has not given us any guarantee that he would make a change in the clause that would safeguard the tenants against eviction by the protection which Clause 22 is intended to give them. Why does not the right hon. Gentleman state the limit of time which he is ready to grant between the ejectment judgment and the issue of the notice? If the right hon. Gentleman will not offer explanations on these points, it is he who will be responsible for the prolongation of this debate, and for any further opposition there may be on this subject. So far as we on these Benches are concerned, we are quite right in taking what responsibility we may in this matter. The tenant farmers of Ireland know that we have been their friends in the past, in season and out of season, fighting both political Parties in their behalf, and we feel satisfied that our country will be able to judge on whom the responsibility rests for anything that may be detrimental to their interest.

MR. LEA (Londonderry, S.): I am bound to say that my hon. Friend the Member for South Tyrone (Mr. T. W. Russell) is well known to represent many thousands of tenant farmers in Ulster, and that he has given expression to their views on this question. On the serious point as to the wrecking of this Bill, if Clause 4 is retained, I wish to make a few observations. The right hon. Gentleman the Chief Secretary for Ireland has said that if you make the law just and fair to the tenants, you ought also to make it just and fair to the landlords; and so with regard to the cost of procedure, this ought to be made cheap both for landlords and tenants. That is all the clause does. I have always had the feeling that some harm might be done to the tenants if you do not make your Bill one which will stop the injustice of unnecessary evictions. We look to the preceding clause of the Bill to do that; and then I say that the landlords should be able to carry out just evictions when they are necessary, and in such a manner as to avoid the scandalous scenes we have witnessed of late in Ireland.

Mr. MOLLOY (King's Co., Birr): The right hon. Gentleman the Chief Secretary for Ireland rather upbraided the right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre) for not having studied the Bill to a greater extent; he said that if he had given more attention to Clause 22, and the Amendments that might be introduced, his objection to the present clause would not have been so strong. In that appears to me to lie the whole difficulty of the case. The hon. Member for Cork has said there are objections to this clause which might be removed by subsequent parts of the Bill; but the difficulty is that we are dealing with a question here the extent of which we cannot gauge, because there is something behind which might altogether change the complexion of the clause. I think, therefore, the right hon. Gentleman has by his observations confirmed the justice of the claim for postponement put forward by my hon. Friend the Member for Cork (Mr. Parnell). My hon. Friend asks that the clause may be postponed until Clause 22 has been taken, and the right hon. Gentleman the Chief Secretary himself says that that clause will greatly alter Clause 4. It seems to me that we are discussing Clause 4 at a length which is quite unnecessary, and that in doing so we are very much in the position of persons groping in the dark.

Question put.

The Committee *divided*: —Ayes 156; Noes 212: Majority 56.—(Div. List, No. 327.) [2.45 P.M.]

AYES.

Abraham, W. (Glam.)
Abraham, W. (Limerick, W.)
Acland, C. T. D.
Allison, R. A.
Balfour, Sir G.
Balfour, rt. hon. J. B.
Ballantine, W. H. W.
Barbour, W. B.
Barran, J.
Barry, J.
Blane, A.
Bolton, J. C.
Bradlaugh, C.
Bright, Jacob
Broadhurst, H.
Buchanan, T. R.
Burt, T.
Buxton, S. C.
Cameron, C.
Campbell, H.
Carew, J. L.
Chance, P. A.
Cobb, H. P.
Commins, A.
Condon, T. J.
Connolly, L.
Conway, M.
Corbet, W. J.
Cox, J. R.
Craig, J.
Crawford, D.
Cremer, W. R.
Crossley, E.
Deasy, J.
Dillon, J.
Dillwyn, L. L.
Duff, R. W.
Ellis, J. E.
Ellis, T. E.
Esmonde, Sir T. H. G.
Esslemont, P.
Farquharson, Dr. R.
Fenwick, C.
Ferguson, R. C. Munro-
Finucane, J.
Flower, C.
Flynn, J. C.
Forster, Sir C.
Foster, Sir B. W.
Fowler, rt. hon. H. H.
Fox, Dr. J. F.
Fry, T.
Fuller, G. P.
Gaskell, C. G. Milnes-
Gilhooly, J.
Gill, T. P.
Gladstone, right hon. W. E.
Gladstone, H. J.
Graham, R. C.
Gray, E. D.
Grey, Sir E.
Haldane, R. B.
Harrington, E.
Harris, M.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.
Healy, T. M.
Holden, I.
Hooper, J.
Jacoby, J. A.
James, hon. W. H.
Joicey, J.
Jordan, J.
Kennedy, E. J.
Kenny, C. S.
Kenny, J. E.
Kenny, M. J.
Kilcoursie, right hon. Viscount
Lalor, R.
Lane, W. J.
Lawson, H. L. W.
Leahy, J.
Lefevre, right hon. G. J. S.
Mac Innes, M.
Mac Neill, J. G. S.
M'Arthur, W. A.
M'Donald, P.
M'Ewan, W.
M'Lagan, P.
M'Laren, W. S. B.
Mahony, P.
Maitland, W. F.
Marjoribanks, rt. hon E.
Marum, E. M.
Mason, S.
Mayne, T.
Molloy, B. C.
Morgan, O. V.
Morley, rt. hon. J.
Morley, A.
Murphy, W. M.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, J. F. X.
O'Brien, P.
O'Brien, P. J.
O'Brien, W.
O'Connor, A.
O'Connor, J. (Kerry)
O'Connor, T. P.
O'Doherty, J. E.
O'Hanlon, T.
O'Hea, P.
O'Kelly, J.
Parnell, C. S.
Paulton, J. M.
Pease, Sir J. W.
Pickard, B.
Powell, W. R. H.
Price, T. P.
Priestley, B.
Pyne, J. D.
Reid, R. T.
Reynolds, W. J.

Roberts, J.
Roscoe, Sir H. E.
Rowlands, J.
Rowntree, J.
Samuelson, Sir J.
Schwann, C. E.
Sexton, T.
Shaw, T.
Sheehan, J. D.
Sheehy, D.
Stack, J.
Stanhope, hon. P. J.
Stansfeld, rt. hon. J.
Stevenson, F. S.
Stewart, H.
Sullivan, D.
Sullivan, T. D.
Sutherland, A.
Tanner, C. K.
Thomas, A.
Tuite, J.
Vivian, Sir H. H.
Wallace, R.
Wayman, T.
Will, J. S.
Williamson, S.
Wilson, H. J.
Wilson, I.
Woodall, W.
Woodhead, J.
Wright, C.

TELLERS.

Biggar, J. G.
Sheil, E.

NOES.

Addison, J. E. W.
Aird, J.
Ambrose, W.
Anstruther, H. T.
Ashmead-Bartlett, E.
Atkinson, H. J.
Baden-Powell, G. S.
Bailey, Sir J. R.
Baird, J. G. A.
Balfour, rt. hon. A. J.
Banes, Major G. E.
Barnes, A.
Barry, A. H. Smith-
Barttelot, Sir W. B.
Bates, Sir E.
Baumann, A. A.
Beadel, W. J.
Beckett, W.
Bective, Earl of
Beresford, Lord C. W. De la Poer
Bickford-Smith, W.
Bigwood, J.
Blundell, Col. H. B. H.
Bolitho, T. B.
Bond, G. H.
Bonsor, H. C. O.
Bridgeman, Col. hon. F. C.
Bristowe, T. L.
Bruce, Lord H.
Burdett-Coutts, W. L. Ash.-B.
Burghley, Lord
Caine, W. S.
Campbell, Sir A.
Campbell, J. A.
Campbell, R. F. F.
Carmarthen, Marq. of
Clarke, Sir E. G.
Cochrane-Baillie, hon. C. W. A. N.
Coddington, W.
Collings, J.
Colomb, Capt. J. C. R.
Compton, F.
Cooke, C. W. R.
Corbett, A. C.
Corbett, J.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Cranborne, Viscount
Cross, H. S.
Crossley, Sir S. B.
Crossman, Gen. Sir W.
Davenport, H. T.
Davenport, W. B.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dimsdale, Baron R.
Dixon, G.
Duncan, Colonel F.
Duncombe, A.
Dyke, rt. hn. Sir W. H.
Ebrington, Viscount
Egerton, hon. A. J. F.
Egerton, hon. A. de T.
Elcho, Lord
Elliot, Sir G.
Elliot, hon. H. F. H.
Ellis, Sir J. W.
Elton, C. I.
Ewing, Sir A. O.
Eyre, Colonel H.
Feilden, Lt.-Gen. R. J.
Fergusson, right hon. Sir J.
Field, Admiral E.
Fielden, T.
Finch, G. H.
Fisher, W. H.
Fitzgerald, R. U. P.
Fetcher, Sir H.
Folkestone, right hon. Viscount
Forwood, A. B.
Fowler, Sir R. N.
Fraser, General C. C.
Gathorne-Hardy, hon. A. E.
Gathorne-Hardy, hon. J. S.
Gent-Davis, R.
Gibson, J. G.
Godson, A. F.
Goldsworthy, Major-General W. T.
Gorst, Sir J. E.
Goschen, rt. hon. G. J.
Green, Sir E.
Grenall, Sir G.
Greene, E.
Hall, A. W.
Hambro, Col. C. J. T.
Hamilton, right hon. Lord G. F.
Hamilton, Lord E.
Hamley, Gen. Sir E. B.
Hanbury, R. W.
Hardcastle, E.
Hardcastle, F.
Havelock-Allan, Sir H. M.
Heathcote, Capt. J. H. Edwards-
Heaton, J. H.
Herbert, hon. S.
Hermon-Hodge, R. T.
Hervey, Lord F.
Hobhouse, H.
Holland, rt. hon. Sir H. T.
Holloway, G.
Hornby, W. H.
Houldsworth, Sir W. H.
Howard, J.
Howard, J. M.
Howorth, H. H.
Hozier, J. H. C.
Hubbard, E.
Hughes, Colonel E.
Hughes-Hallett, Col. F. C.
Hunt, F. S.
Hunter, Sir W. G.
Isaacs, L. H.
Isaacson, F. W.
James, rt. hon. Sir H.
Jennings, L. J.
Johnston, W.
Kelly, J. R.
Kennaway, Sir J. H.
Kenyon, hon. G. T.
Kimber, H.
King-Harman, righ hon. Colonel E. R.
Knowles, L.
Lafone, A.
Lambert, I. C.
Lawrence, Sir J. J. T.
Lawrence, W. F.
Lea, T.
Lechmere, Sir E. A. H
Lees, E.
Legh, T. W.
Lethbridge, Sir R.
Lewis, Sir C. E.
Lewisham, right hon Viscount
Llewellyn, E. H.
Long, W. H.
Lubbock, Sir J.
Macartney, W. G. E.
Macdonald, rt. hon. J. H. A.
M'Calmont, Captain J.
Madden, D. H.
Makins, Colonel W. T.
Mallock, R.
Marriott, rt. hn. W. T.
Matthews, rt. hon. H.
Maxwell, Sir H. E.
Milvain, T.
More, R. J.
Morgan, hon. F.
Morrison, W.
Mulholland, H. L.
Noble, W.
Northcote, hon. H. S.
Norton, R.
O'Neill, hon. R. T.
Parker, hon. F.
Pelly, Sir L.
Plunket, rt. hn. D. R.
Plunkett, hon. J. W.
Pomfret, W. P.
Raikes, rt. hon. H. C.
Rankin, J.
Rasch, Major F. C.
Reed, H. B.
Ritchie, rt. hon. C. T.
Robertson, W. T.
Robinson, B.
Ross, A. H.
Round, J.
Russell, T. W.
Sandys, Lieut-Col. T. M.
Sellar, A. C.
Seton-Karr, H.
Sidebotham, J. W.
Sidebottom, T. H.
Sidebottom, W.
Smith, rt. hon. W. H.
Smith, A.
Spencer, J. E.
Stanhope, rt. hon. E.
Stanley, E. J.
Stephens, H. C.
Stewart, M. J.
Talbot, J. G.
Tapling, T. K.
Temple, Sir R.
Theobald, J.
Thorburn, W.
Tomlinson, W. E. M.
Townsend, F.
Trotter, H. J.
Vernon, hon. G. R.
Waring, Colonel T.
Watson, J.
Weymouth, Viscount
Wharton, J. L.
Whitley, E.
Whitmore, C. A.
Wilson, Sir S.
Wolmer, Viscount
Wood, N.
Wortley, C. B. Stuart-
Wright, H. S.

TELLERS.

Douglas, A. Akers-
Walrond, Col. W. H.

MR. O'DOHERTY (Donegal, N.): I have submitted an Amendment which you, Mr. Chairman, were of opinion would amount practically to the rejection of the clause. The clause applies to all ejectments for non-payment of rent; and on a point of Order I ask whether I am at liberty to move to insert, after "in," the words "Ireland, after the passing of this Act, no judgment of ejectment shall apply?"

THE CHAIRMAN: What the hon. Member proposes is in effect to substitute one clause for another.

MR. O'DOHERTY: Then I would ask to submit an Amendment which would except from the operation of the clause all holdings on which the tenant is constituted caretaker.

THE CHAIRMAN: I think in that form also the hon. Member's proposal would be objectionable.

MR. MARUM (Kilkenny, N.): The object of the Amendment which I rise to move is to subject to the operation of this clause holdings at a valuation of not exceeding £50. I wish to restrict that operation, in the manner which the right hon. Gentleman the Member for West Birmingham (Mr. Joseph Chamberlain) suggested last night, to such cases as are covered by the equitable jurisdiction provided for in Clause 22. I wish to make a few observations on the right of redemption, which the Committee has, I think, lost sight of. There was formerly no such thing as ejectment for non-payment of rent at Common Law. The Courts of Equity afterwards defined the right of redemption in such a way that, in point of fact, the landlord might have a redemption suit pending against him for two or three years; then came a series of Acts, the 4th of *Geo.* I. and the 8th of *Geo.* I., which Acts culminated in the Landlords and Tenants Act of 1860. The effect of this Act was that the period of the right of redemption was cut down to six months. Now, although this period is popularly supposed to be a sort of period of grace, such as obtains in the case of bills of exchange it is quite the reverse, for, as a matter of fact, it represents the cutting down of the tenant's Common Law right. You are now going to take away the substituted right which the Act of 1860 gave; you propose, by notice under this Act, to constitute the tenant a caretaker. It is well known that, in a normal state of things, landlords, from feelings of humanity, do not desire to bring down upon their tenants the Sheriff with his *posse* and a number of people, if he can possibly avoid it. But you are taking that small protection away from the tenant. The right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) will allow me to point out that he has now at his disposal provisions of the most stringent character. He has asked for enlarged powers, and he has obtained them. Is the right hon. Gentleman distrustful of those powers? Is not this the legislation of despair? If the right hon. Gentleman is satisfied with the powers he has already, why is he asking for this addition to them? Surely the powers with which the Resident Magistrates are clothed — men of whom I will say no more than that they are under the control of the Executive—are sufficient for the purpose of preventing obstruction to the officers of the law. The clauses of the Act just passed which apply here provide that any person taking part in an unlawful assembly is liable to six months imprisonment with hard labour; that any person who, within 12 months after the execution of any writ or process of ejectment, shall wrongfully take forcible possession of any house or land, or any part thereof, shall be subject to the penalty provided; and the same with regard to any person who shall assault, or wilfully or unlawfully resist, any Sheriff, bailiff, or other officer of the law in the performance of his duty. Surely these powers are sufficiently large to enable the right hon. Gentleman to dispense with this particular notice to quit, which is grounded on the difficulty, annoyance, and scandal which take place at evictions. Then there are the powers given under the Conspiracy Clause to deal with those who conspire to interfere with the administration of the law. I say that the powers taken in the Act are a complete answer to the claim made here to cut down the rights and privileges of the tenant. It is idle to talk of protecting the rights and privileges of the tenant, when this notice is interposed during the period in which public opinion and other considerations are brought to bear with a humane landlord. This Bill gives a strong incentive to all landlords to issue this notice immediately after judgment, so that the six months may run out as soon as possible. We know that, as a rule, landlords in Ireland do not execute their judgment for months after they are obtained; the process is an expensive one, and they generally leave them over till the tenants have got in their crops. But now the case will be different. The notice will be served, the tenant may be hard pressed, and will let the six months run out; by that means his position will be entirely broken, and even if the landlord wish he cannot rehabilitate him as present tenant. I have put down an Amendment to provide that after the six months have elapsed the landlord may, if he wish and can come to terms, rehabilitate the tenant; but, as the Bill now stands, the tenant is placed in the position in which he stood before the passing of the Act of 1860; he is practically subject to arbitrary eviction, and he will be liable to all the evils which called forth the legislation of 1881.

THE CHAIRMAN: I am unwilling to interrupt the hon. and learned Member, but must point out that he is travelling widely from the Amendment he has placed upon the Paper.

MR. MARUM: I abide by your ruling, Mr. Courtney, of course. I was pointing out what would flow from the operation of the clause, but I will not pursue that particular point further. As the hon. Member for Cork (Mr. Parnell) said, even if the tenant tender his rent and costs, the landlord cannot reinstate him. That is, of course, a very great objection in itself. The next ground of objection is this—that, as it appears to me, it is almost unconstitutional for the right hon. Gentleman the Chief Secretary to the Lord Lieutenant of Ireland to ask for this power to cut down and sweeps away the old Common Law privileges and equitable rights of the tenant. For these reasons I have no hesitation in moving the Amendment of which I have given Notice, which will restrict this clause to such tenants as will be covered by the equitable jurisdiction of Clause 20. Finally, as it has been alleged that Irish Members have supported the resistance of tenants to evictions, I wish to say that having been during 30 years a magistrate for two counties, I have always upheld law and order; and I deny that it lies in the teeth of the Government supporters, or anyone else, to say that Members on these Benches wish to have a continuance of scenes of disorder which this Amendment is intended to put a stop to.

Amendment proposed, in page 2, line 35, after the word "holding," to insert the words "to which section twenty of this Act applies."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The hon. and learned Gentleman has told us something of the Common Law, something relevant to the Act of 1860, to the Bill itself, and to the clause taken as a whole, but it was only in his last sentences that he said anything relevant to the Amendment which he moved. The hon. and learned Gentleman said that he introduced this Amendment for the purpose of putting an end to the scenes of disorder which we have ample power to stop by the existing law. If that is so, it entirely disposes of the arguments of some hon. Gentlemen opposite.

MR. MAURICE HEALY (Cork): The hon. and learned Member was speaking of evictions.

MR. A. J. BALFOUR: If we are able by this means to prevent the recurrence of such scenes as have recently disgraced Irish history, it seems to me that the arguments of hon. and learned Gentlemen below the Gangway are disposed of. I understand the main argument of the hon. and learned Member to be that this clause removes what he says is a valuable right to the tenant. But our view is that the clause is undoubtedly an improvement in procedure in cases of tenancies under £50. In the case of the Bodyke evictions, if I remember rightly, the tenancies were mostly under £10. I do not believe that there was one over £50; and if there were, that is the only amount I am concerned with here. The tenants whose rental exceeds £50 may be regarded as capitalist tenants, and we do not consider that there is any reason why we should avoid a general improvement in the law in favour of that class. In the case of tenancies over £100 it rests with the landlord to determine whether he shall take advantage of and proceed under this section, and therefore the limit of £100 does not constitute the protection which the hon. Gentleman supposes it to be. There is no ground for supposing that the clause will press hardly on the larger class of farmers, and therefore we consider there is no need for the Amendment of the hon. and learned Gentleman.

Mr. MAURICE HEALY: I have to complain, Sir, that, owing to the unreasonable conduct of the Government I am not able to say whether I am in favour of this Amendment or not. My attitude on this Amendment will be largely influenced by what the Government propose to do in regard to Section 22 of the Bill. Now, I am entirely at one with my hon. and learned Friend the Member for North Kilkenny, who moved this Amendment, in the reasons which he gave for it. I think it is beyond any sort of doubt that the scope of this section and the scope of Clause 22 will be exactly the same, and that this section would not apply to any class of cases to which Section 22 will not apply. But my notion of remedying the present discrepancy in the two clauses would be rather to extend the provisions of Section 22 to the limit of £100 than to cut down the limit of the section we are now on to £50. I therefore think, Sir, that I have some cause of complaint against the Government for not letting us know what they propose to do in Section 22 on this matter. Now, Sir, the whole case which the Government have made for this clause is this, that they are agreed—that all parties are agreed that fresh evictions should be put an end to—but that their view is that they should be put an end to by the legal means provided in Section 22 of this Bill, and not by the means which the right hon. Gentleman the Chief Secretary has called civil revolution—that being his description of the scenes which take place at evictions. But if that be so, if we are agreed upon this point, and if the sole defence for this clause is that in the future under it there will not be any fresh evictions in Ireland, how can the Government defend the application of this clause to any class of tenants who are not protected by Clause 22? I submit that they are in a great dilemma on that point. Either this clause will apply to cases in which fresh evictions can in future take place, or they will be bound to extend the equity clause of the Bill to the same limits as this clause. Let me call attention to the remarks which were made by the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain) on the subject of this very clause last evening. He declared that any objection from this quarter of the House based upon such proper considerations as those upon which my hon. Friend relied just now would be met by concession from the Government. He declared that any Amendment designed to limit this section to that class of clauses, in which the Government by this Bill put an end to fresh evictions, would be met in a spirit of concession by the Government. The effect of that statement would practically be that we might rely upon this clause being limited to the class of cases in which the tenants were protected by the equity clauses of the Bill. That being so, I must say that I have been very much disappointed with the speech of the right hon. Gentleman the Chief Secretary. Instead of bearing out the prophecy, if I may call it, of the right hon. Gentleman the Member for West Birmingham as to the amiable spirit in which the Government would meet us, he met the Amendment of my hon. Friend by a direct negative. He will not make concession on this point, but will carry the clause in its present form, and grant no sort of limitation whatever. Now, I say, Sir, that that attitude of the Government places us in a very embarrassing position, because no one will concede more readily than I that there is great force in the language which the right hon. Gentleman the Chief Secretary addressed to the House. I agree with him in the fullest manner that if this clause is to be limited at all the people who ought to be exempted from its provisions are the poor tenants, the ignorant tenants, the tenants whose valuation is low. If there is to be any exemption in its scope, it ought to be in the case of that class of tenants who are evicted, not in the case of that class which he has described—namely, the capitalist tenants and the people who are excluded from the clause by the £100 limitations. It is the contradictory considerations which are to be found here which, I confess, place me in some doubt as to whether or not I should vote for the Amendment of my hon. Friend. There is a subsequent Amendment on the Paper to limit the scope of the clause, not to tenants below £50, but actually to tenants whose valuation is above £100, and I conceive that reasons of the strongest, the gravest, and most serious character can be urged in support of this Amendment; and, therefore, I complain that the Government have placed us in a position of great embarrassment. We are compelled to recognize the force of the argument that this clause, if limited at all, ought to be limited to the case of large tenants, and, at the same time, we are in ignorance as to whether or not the Government mean to carry out the pledge of the right hon. Gentleman the Member for West Birmingham that the clause will be equal in its scope to the subsequent equitable provisions of the Bill. I think I shall be consistent in taking this course—until I get some promise from the Government that they will carry out the pledge of the right hon. Gentleman the Member for West Birmingham, that they will protect, by subsequent clauses of this Bill, every tenant to whom the clause applies—I shall feel myself at liberty to support the Amendment of my hon. and learned Friend. But that will not prevent me, in the smallest degree, if concession on that point is made, from subsequently voting for the proposal to exclude from this clause, not the tenants with a small valuation, but the capitalist tenants, to whom the right hon. Gentleman the Chief Secretary referred—educated men, who may be held to be better able to protect themselves than the poorer tenants. I will conclude by again complaining of the embarrassing situation in which hon. Members on this side of the House are placed by the course which the Government have adopted. It is idle to say that every clause in every Bill must be discussed in it place, and that all arrangements on any clause of the Bill are subject to changes which may subsequently be made. Our position is this—that we cannot argue this clause on the Bill as it stands. We must argue it in the light of separate concessions which have been vaguely promised, but the precise nature of which we do not know; and, that being so, I say we have great reason to complain of the attitude of the Government. We really do not know in what position we stand, and therefore if any loss of time results in the state of things which the Government have thus brought about, the responsibility must rest not on our shoulders, but on the shoulders of others.

MR. MARUM: I have brought forward my proposal, and have explained to the Committee my views; but as I have not found them meet with anything of the nature of a substantial acceptance—as I have not found them received in a manner in which I fancied that from their importance they ought to be received—I shall not trouble the Committee to divide, but shall withdraw my Amendment.

Amendment, by leave, *withdrawn.*

MR. MARUM: I have the following Amendment on the Paper:—Clause 4, page 2, line 35, after "holding," insert—

"Other than a holding under a lease which has been or can be converted into a fee farm grant under the Renewable Leasehold Conversion Act, or any fee farm grant executed after the first day of January, 1861."

On similar grounds to those I have already stated, my idea in putting this Amendment on the Paper was that perpetuity cannot be excluded altogether from the benefit of the Act. The Amendment I have moved similar in effect to this has not been acceded to. My idea was that if the perpetuity tenants did not get any benefit from the Act they should be put in the corresponding measure. All perpetuity tenants liable to eviction should remain liable to it, but fee farm grants should not be liable to eviction. I should have moved this Amendment, if I had received any encouragement on my other Amendment; but, under the circumstances, I will not move it.

Amendment, by leave, *withdrawn.*

MR. MAURICE HEALY (Cork): In the absence of my hon. and learned Friend the Member for North Longford (Mr. T. M. Healy), I beg to move the Amendment which stands in his name, and I think that in doing so I need not waste much time of the Committee with words. It is the principle of all legislation that where you affect existing rights, where you deal with what I may call vested interests, your legislation shall not be retrospective in its character. That is a principle of legislation which I do not think anyone contests. I complain that this legislation is retrospective in its character. I complain that tenants in Ireland holding tenancies which will be in existence at the passing of this Act get their tenancies with certain legal rights and incidences, and that you propose to make a very large inroad into these rights by the clause before the Committee. That being so, I can see that nothing can be more proper if the clause is to pass at all, which I hope it may not, than that it should be limited in its scope to tenancies created after the passing of the Act which farmers have undertaken with a full knowledge of the law on this subject. I think the clause should only apply to those who have taken their tenancies subject to the provisions of the section when it passes into law. Let me recall the attention of the Committee to what the attitude of this legislature was when it was making inroads into the rights of the landlord, and not into the rights of the tenants. In the Act of 1870, the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone), made an important proposal on the subject of county cess. He proposed in that Bill that thenceforward instead of being liable to pay all the county cess, as he had previously been, the tenant should be entitled to deduct half the cess from his rent. Did the right hon. Gentleman make the clause, as the Government make this clause universal in its character? Did he make that clause retrospective? Not at all. He limited its scope, and there is a great deal to be argued in favour of that course, to tenancies created after the passing of the Act. Now, all I ask is that the precedent thus set--a precedent which I may say has been universally followed —should also be followed in the case of this clause. I ask, that if the clause is to pass at all, it shall be limited to tenancies created after the passing of the Act. I have been told that that will necessarily somewhat limit the application of this clause, and that the tenancies which will be created after the passing of this Act will necessarily be somewhat fewer in number. Well, all I can say is, that I cannot help that. If it is an injustice to interfere with vested rights, it is an injustice no matter what consequences follow, and it is not made a bit more just by the fact, that if you do not commit the injustice the proposal will have a very narrow effect. I therefore do not attach the smallest weight to any argument of that kind; because, as I have said, the justice of the case is that vested rights should be protected, and that therefore the clause should be restricted to tenancies created after the passing of the Act.

Amendment proposed,

In page 2, line 35, after the word "holding," insert "held under a tenancy created after the passing of this Act."—(*Mr. Maurice Healy.*)

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): The hon. Member has really given us no reason in support of this Amendment. [*Cries of* "Oh, oh!"] At any rate, no reasons which to my mind should commend themselves to those who look for reasons. Clause 4 we believe and hope—it is drawn with that object—will put an end to unnecessary evictions, and make it possible for landlords and tenants to come together in a manner and spirit in which they will be free to act, and settle their differences amicably, unless they are prevented by outside influences. That argument has been put fully before the Committee. That being so, the hon. Member proposes that that remedial provision shall not apply to existing tenancies, on the ground that he wishes to preserve vested rights. Why vested rights should be suggested, it is difficult to conceive—in fact, what vested rights there can be which would warrant an exception of this kind I am at a loss to discover. The only analogy the hon. Member was able to bring forward was the analogy of the action of the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) in regard to county cess. Well, I can understand that in altering the incidence of taxation it is necessary to limit the operation to future tenancies; but the arguments in favour of such an operation cannot apply in the present case. If we have a case at all it exists as much with regard to tenancies previously existing as to those which may be created in the future. I have dealt as fully as I can with the arguments of the hon. Member. It seems to us that if we have a case at all for the clause, it ought to apply to existing tenancies with equal force as to future tenancies. For that reason we are unable to accept the Amendment.

MR. T. M. HEALY (Longford, N.): I must take issue with the hon. and learned Gentleman the Attorney General in the statement he has made. We object to innovation. I am rather at a loss to understand the argument of the hon. and learned Gentleman; but, at any rate, I think I can make a suggestion, which if accepted, will render this matter very simple. The object of the Amendment is to provide that any existing tenancies shall not have a new method of procedure applied to it. The clause applies to the landlord whether he likes to avail of it or not. There may be cases that the Government will admit that the landlord might not wish to avail of it. That is conceded, because, by the argument of the Government as the hon. and learned Gentleman stated just now, this is practically only intended to affect certain things where the parties are willing to come to an accommodation, unless they are prevented by outside influences, and, as a matter of fact, those people do come together; but for those outside influences. My proposal is this, and I ask the attention of the right hon. Gentleman to this point, do not alter the existing law altogether, leave it optional to the landlord to adopt the plan of the Government, or not to adopt it; but provide that where the landlord adopts the plan of the Government and relieves himself of the trouble of the ordinary method of procedure, and there is afterwards a coming together of the parties, and eviction is avoided, the provision of the section of the Act of 1881, which provides that a tenant who resumes his holding 15 years after a present tenancy, shall subsist on a holding prevail. Leave the landlord to his old remedy, let him "sheriff out"—as it is called in Ireland—anyone he pleases. The statement of the Government is, "let the parties come together and accommodate matters"; they say there will be no real eviction at all, and they say, "take measures to prevent the landlord from going through a very unpleasant process in order to get possession of their holdings, and to insist on their legal rights." Now, I offer this suggestion, and I shall be glad if I am followed by the right hon. and gallant Gentleman the Under Secretary for Ireland (Colonel King-Harman), who has some practical acquaintance with those matters—doubtless a great deal more than I have myself—in addition to leaving the landlord to adopt the old procedure, as it is alleged there is generally no breach of the tenancy, let the tenants have the benefit of section 21 of the Act of 1881, which provides that the landlord may, in certain cases, get possession of the farm from the leaseholder to be used as a farm for himself, or as a residence for himself or some member of his family. But as it was pointed out that the landlord might use that process to break a tenant's tenure, Section 21 went on to provide that if the holding, which was resumed, was re-let, it should be within 15 years of such resumption subject to all the provisions of the Act applicable to present tenancies. My suggestion I call a practical one in ease of the present situation. I say, if it be true, that the landlord wants actually to get rid of the tenant by sheriffing him out, why should he not do so? If it be true that the notice is served practically in order to promote peace and order, and to bring about accommodation between landlord and tenant, my suggestion could take effect. The original Amendment is of a more general scope, but I am willing to accept the compromise. The Amendment provides that the clause shall not provide at all for existing tenancies. I am willing to forego the greater part of that Amendment if the Government will accept the compromise. I do hope that the Government will accept that compromise. It is true our objection to the clause, as a whole, will remain as fierce and vigorous as it was before; but if we are met in a spirit of compromise we are willing to meet the Government in a similar spirit. We shall be willing to withdraw the Amendment and to accept the very moderate concession which I have asked for. If the Government really *bonâ fide* mean and believe that this clause will get rid of evictions, that, in fact, evictions will never take place at all, and that the tenant-right will never be disturbed, why should there be any breach of tenancy? If a man is never disturbed why should there be a breach of his tenancy? If this eviction is only a form, why should there be any alteration in the status of the tenant? If the Government do not accept this moderate suggestion I think I am justified in saying that it is they who desire to push matters to extremities. I am willing that the Amendment should be withdrawn if the Government will see their way to accept this small compromise. If they will accept it they will find that, to a large extent, it will modify our opposition to the clause. I have no authority to speak for my hon. Friends, but I ask that the procedure already embodied in the legislation, and to be found in the Act of 1881, will be engrafted into this clause. I ask the Unionist Members — reminding them that their Party are responsible for the Act of 1881—to support me in my proposal, and in so doing to support the proposal of 1881.

Mr. CHANCE (Kilkenny, S.): In addition to what has been already stated on this question to change of status, might I point out that by reason of that change of status by the mere service of the notice, say on the 19th July in any year, the tenant will lose his right to vote at a Parliamentary Election. The tenant becomes a mere caretaker, and his right to vote goes away absolutely. This power will certainly induce landlords, to a large extent, to serve their notices, when they know that by so doing on the 19th July and continuing them to the 21st, they would deprive every one of those tenants with whose politics they do not agree of the right to vote for two years.

Sir RICHARD WEBSTER: I am sorry that the hon. and learned Member for North Longford (Mr. T. M. Healy) did not spare the Committee his statement in regard to the Amendment and his suggested compromise, because I fear it is impossible to accept either the one or the other.

Mr. T. M. HEALY: Do not commit yourself entirely.

Sir RICHARD WEBSTER: The hon. and learned Gentleman says I must not commit myself. There may be those who can understand these questions better than myself. If anyone who knows more about these things than I do considers that the proposal made is a good one, I shall make a statement to that effect from these Benches. I shall not have the slightest objection to get up and acknowledge his greater authority. The hon. and learned Member desires, in the case of past tenancies, that the landlord shall never get himself free from whatever trammels are put upon him by the existing law.

Mr. T. M. HEALY: The hon. and learned Gentleman is speaking of the Amendment, not of my suggested compromise. I evidently did not make myself clear. No doubt, the hon. and learned Gentleman correctly states the position in regard to the Amendment before the House; it would prevent the landlord from availing himself of the new procedure in regard to existing tenancies; but my suggestion is that in regard to cases in which the landlord avails himself of the new method that then, as the Government allege that there is really no breach of tenancy whatever, they shall provide that there shall be no such breach.

Sir RICHARD WEBSTER: I quite understand the hon. and learned Gentleman. I quite understand that his suggestion went that length, but I cannot understand a distinction should be drawn. If the hon. and learned Gentleman brings up an independent proposal in regard to the matter, and it is considered by those who have more knowledge of this subject than I possess to be desirable to accept it, I shall be very glad for that course to be taken. I shall allow no opinion that I am now expressing to stand in the way. My opinion, however, is that the Amendment is opposed to the whole principle of the clause, and that there must be no different operation applicable to new as distinguished from old tenants. We are discussing the question as to whether or not Section 4 is to be applied to past tenancies. That is the only matter that I can discuss. The hon. and learned Gentleman has said to me "I will withdraw my Amendment if you will make this concession, and I cannot consent to withdraw it on any other terms." Well, I must say I cannot consent to the Amendment —I do not think the proposal should be adopted under any circumstances. I take it that this particular Amendment should be dealt with on its merits, and I see no reason why, when dealing with a notice served under this section, there should be any difference made between past tenancies and tenancies of the future. I will not pledge myself either for or against the other proposal, as I have not heard it sufficiently argued.

Mr. T. M. HEALY: I think that my proposal was prejudiced by the fact that I made it as an Amendment to an Amendment. I would propose that the Amendment should be withdrawn and that an independent Amendment, by way of compromise, should be brought up at a later stage. This would give the Government full time to consider the question, and to make up their minds upon it.

MR. CHANCE: The hon. and learned Gentleman the Attorney General sees no reason why a distinction should be made between a present tenancy and a future tenancy; but, as a matter of fact, there is a great distinction to be drawn between them under circumstances such as the present. If the landlord, by means of serving this notice, is enabled to get himself outside the Act of 1881—if he is enabled to break an old tenancy, he will have the strongest possible reason for doing it.

Amendment, by leave, *withdrawn.*

MR. MAURICE HEALY (Cork): I beg to move, in line 36, to leave out "has been," in order to insert "shall be." Whatever may have been the action of the Government in regard to the Amendment just withdrawn—an Amendment which I admit was somewhat extensive in its scope—I think they will agree that I can make out the strongest case for the Amendment I now move. It is an Amendment which limits the operation of Section 4 to judgments recovered after the passing of the Act. Whatever may be said of the vested interests of this clause as a whole, I certainly do claim that a man who is in the position of having an ejectment recovered against him, has some vested interest in insisting that, if his tenancy is to be formally put an end to, it shall be put an end to by the somewhat difficult process of the existing law, and that the determination of the tenancy shall not be facilitated by the new methods now for the first time invented. Now, this again raises the whole question of what the ultimate form of Section 22 of this Bill is to be. We have been told—and I repeat the argument without apology—that the Government insist upon this clause because they are of opinion that the Bill will put an end to all cases of harsh eviction. That being so, harsh evictions being put an end to, there is no reason why evictions which are other than harsh should not be facilitated by this clause. But Section 22 of this Bill is not made to be retrospective. Section 4, properly speaking, should deal only with future tenancies. It does not apply to cases of judgment or distress recovered before the passing of the Act, and I do now ask either that the Government shall accept this Amendment, or that they will make some declaration to the effect that Section 22, when we reach it, shall be so framed that it shall apply to the case of judgments which have been recovered before the passing of the Act. I claim, again, that this section shall be made equal in its scope to Section 22—that it shall be no greater, and that it shall be made no less; and I do say that, whatever may be said in favour of this clause, so long as you limit it to the case where the tenants are protected by the equitable jurisdiction granted by the subsequent clauses, not a word can be said in its favour where harsh evictions are impossible.

Amendment proposed, in page 2, line 36, to leave out the words "has been," and insert the words "shall be."—(*Mr. Maurice Healy.*)

Question proposed, "That the words 'has been' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): Strictly speaking, there is no such thing as retrospective legislation in regard to matters of procedure, and this Section 4 is merely a section dealing with procedure. All the Acts of Parliament that deal with procedure hit the proceedings in Court at the exact period when the Act is passed. The Legislature takes the proceedings in the state in which it finds them, and directs that in future they shall be dealt with and go on in a particular way. The statement as to hardship and unfairness of retrospective legislation has no application whatever to legislation dealing with procedure, and procedure only, and it has been so laid down over and over again in the Courts of Justice, and has been very often stated in argument in this House. As to cases of judgments recovered before and after the passing of the Act, it seems impossible to conceive any principle which would say that one class of judgment should be exacted in one way and another class in another. There is no difference whatever on any ground of policy which can be conceived why a judgment which was recovered say on the 15th of August, the day before the Act becomes law, should be enforced under the old Rules of Procedure, whereas a judgment recovered after the 15th of

August should be enforced in a different manner. There would be no principle in such difference unless every tenant had a vested right to have the proceedings against him carried out in the way best suited to his liability. Every litigant has a right to have his case dealt with in the same way——

MR. MAURICE HEALY: I do not think he has—he ought to have.

MR. GIBSON: If a man owes a debt which can only be recovered by an expensive process of law, Parliament, in cheapening the process, could hardly say that it would only apply the new system to new debts and new debtors, and that so far as old debts and old debtors were concerned, they had no right, from a moral point of view, to the advantages of the new system, but must have recourse to the old and obsolete course of procedure, which may have been in force years before. That is a view which I cannot accept, and I must say I never have heard it put forward with such confidence before. Suppose that we are right, and that the way we propose is the only way in which this matter can be satisfactorily arranged; if we are right in thinking that this section is the result of a wise and prudent decision as to the mode in which judgments ought to be recovered I am unable to understand——

MR. MAURICE HEALY: Section 22 protects the tenant in one case, and why should he not be protected in the other? Answer that if you can.

MR. GIBSON: With the observations I have made I do not think it necessary to trouble the Committee further on this matter. [*Cheers.*] Hon. Members appear to be satisfied with what I have said, therefore I will resume my seat.

MR. MAURICE HEALY: I am sorry that the Government should have given the right hon. and learned Gentleman the function of making *Nisi Prius* speeches against Amendments whenever they have made up their minds not to accept them, no matter whether those Amendments are just and reasonable or not. When the Government wish to make a concession they put up the right hon. Gentleman the Chief Secretary for Ireland, or the hon. and learned Attorney General for England, or the right hon. Gentleman the First Lord of the Treasury—some English official—but when an Amendment is to be refused, whether it is just and reasonable or not, they leave dirty work of that kind—if I may use the phrase without offence to the right hon. and learned Gentleman—to the right hon. and learned Attorney General for Ireland. An Irish official is quite good enough for duties of that kind. Now I am sorry that the right hon. and learned Gentleman avoided in a very pointed manner the challenge I threw out to him—in a somewhat irregular manner I admit—across the floor of the House. He challenged me to say why a distinction should be drawn between a judgment recovered after the passing of the Act and a judgment recovered before the passing of the Act. I gave him a reason across the floor of the House, and if it was a bad reason, I can only say that I am very sorry that he did not turn his great abilities and his well-known legal skill to the simple task of exposing the futility of it. But it was not a bad reason, and he sat down because he knew that it was not a bad reason. He knew it was a perfectly good reason, and he had no reply to it. He knew he could discharge his duty by making the usual kind of *Nisi Prius* speech—and when I say that I hope the right hon. and learned Gentleman will not consider that I am making any personal attack upon himself. I hope, in fact I believe, that no one would be better pleased than the right hon. and learned Gentleman if, instead of being put up to discharge an unpopular function and to make indiscriminate attacks upon Amendments which he must know in his heart to be perfectly reasonable and proper—if, instead of doing this he were allowed to exercise his own judgment and discretion, and give that candid consideration to the proposals which are made, which, I am sure, he would like to give them. I therefore say that I hope the right hon. and learned Gentleman will not consider that in any remarks I make I am attacking him personally. Nothing could be farther from my wish than to do such a thing as that. I desire to recognise the courtesy with which the right hon. and learned Gentleman always meets the observations addressed to him from this side of the House. But I challenge the Government to say—will they or will they not provide that all classes of tenants, who are put at the mercy of the landlords by this clause, will get the protection which they furnish to a certain class of tenants under Section 22? I want an answer to that question. It is a plain question. It is a question which I think should not be avoided. It is a question which I think it is not a worthy thing to attempt to avoid, and I do ask that we should have some declaration from the Government on the point. The hon. Member for East Mayo (Mr. Dillon) has stated that there are, at least, 10,000 cases in which at the present moment judgments have been recovered against tenants in Ireland. These cases are not pending in the Courts in a technical sense. They are at an end as far as the Court is concerned. The judgments have been recovered, and the tenants are now at the mercy of the landlords. I say that if a tenant is to be put under the disadvantage that this clause puts him under, he should, at any rate, get any benefit which is given by Section 22. That is a plain demand. I know the right hon. and learned Gentleman clearly sees its force and cogency, and I do ask that he will give us some definite reply to it.

MR. O'HEA (Donegal, W.): The Amendment of my hon. and learned Friend, Sir, was one which I myself intended to put upon the Paper. I was anticipated by the hon. and learned Gentleman; but, having listened to what he has stated, I may say that he has exactly put forward the views and adduced the arguments which I should have expressed and put forward if I had had the honour of moving the Amendment. I think the hon. Member for East Mayo (Mr. Dillon) rather under-estimated than exaggerated the number of ejectments in respect of which decrees have been pronounced against tenants, which decrees are still unenforced, but which may be exacted according to the ordinary processes of the law. The section, as it stands, will make it competent for the landlords to serve this notice which appears in the Schedule to the Bill. The status of the tenants if this Act had never passed, and had never entered into the contemplation of Her Majesty's Government, would be this—that if the landlord wished to take possession in the event of the tenant not being able to settle, the Sheriff might be put in motion, and possession taken in the usual way, and these tenants would afterwards be either re-instated as caretakers, or, if they were able to pay, restored to their ordinary status as tenants. In addition to having this provision carried out against them, another further provision must be made. The relieving officer must be communicated with, and if the tenants were in destitute circumstances it would be his duty to see proper accommodation supplied for them, either in the workhouse or elsewhere. Under the Bill, as it at present stands, the eviction may be enforced the day after the service of the notice—the people may be turned out of their houses, and they may be left to accommodate themselves by the roadside or left to crawl to the workhouse, from the door of which, if a notice has not been served upon the relieving officer, they may be turned away in despair. Section 22 is meant to make provision in future for tenants against whom evictions may hereafter be recovered. But where we have a large number of tenants — where the tenants number, perhaps, 10,000 — under the present clause they are left without any resource whatever. They cannot come into the County Court and ask the County Court Judge to give them consideration, and understand the merits of their cases. Section 22, no doubt, affords some protection; but, as regards cases already decided, all the accumulated powers of the Act will be levied against the tenants, and they will be placed at a disadvantage of a most unjust kind. They will be put at an unfair disadvantage, and harassed in a way in which the Government had not contemplated they should be harassed. I believe the Amendment a reasonable and proper one, and, in my opinion, the right hon. and learned Gentleman the Attorney General for Ireland failed to meet it in a straightforward and ingenuous manner.

MR. MOLLOY (King's Co., Birr): I listened very carefully to the arguments of the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Gibson), and I quite agree as to the first part of his observations in regard to procedure. No doubt, the Legislature deals with procedure as it exists the day after the passing of the Act. No one will contradict him in that matter. But then the right hon. and learned Gentleman went on to point out that this was merely a question of procedure—that was the only argument which he used. He went on to point out that this being only a question of procedure, it was unfair and unjustifiable that the procedure in this case should be different to the procedure in other cases. I would point out to the right hon. and learned Gentleman that it is not a question of procedure as regards these old tenants. We have shown over and over again that the status of the tenant is altered by Clause 4, and that the status of the tenant is a part of his right in his property. Therefore, the only argument the right hon. and learned Gentleman used being that one as to procedure, I think he will now see that it is not one of very great value as against the Amendment. If the right hon. and learned Gentleman could show that the status of the tenant which is a part of his right in his property is not injured by Clause 4, I should agree with him in saying that there is no reason or justification in asking for any alteration in the date when this new procedure shall come into force. But it is not a question of procedure—it is really a question of the status of the tenant which is injured by the procedure. You are dealing not with procedure, but with an actual right which the tenant has in his property. I am not dealing with the question of the form of eviction, or anything of that kind, or a question of procedure. I should agree with the right hon. and learned Gentleman in his view, if the question were only one of procedure; but I hold it is not.

Mr. CHANCE: Might I point out, as a grave reason why this proposal should be limited to judgments obtained after the passing of this Act, that, of course, as has already been stated under the Bill as it stands, the tenant has a certain protection under Clause 22, and the equitable jurisdiction of the Court. I feel that the position of the tenant against whom judgment has been recovered before the passing of the Act should be considered in this way—up to the present when you proceed to execute an ejectment decree against a tenant you are bound to give the relieving officer 24 hours' notice, because he it is who has to remove infirm and destitute people from the scene of the eviction to the workhouse. That is a provision which is necessary. When the landlord does not take the precaution to communicate with the relieving officer in that way in order to afford the tenants necessary protection, he is liable to a fine. But what do you do now? You do away with the writ for possession, and you serve a notice on the tenant and make him caretaker; but when later on in his capacity of caretaker you turn him out, he is outside that provision as to the notice to the relieving officer—it is no longer necessary for the landlord to give notice to the workhouse official to provide accommodation for him in the workhouse, should it be required.

Mr. GIBSON: I think not.

Mr. CHANCE: Will the right hon. and learned Gentleman be good enough to look into the matter? If he does I think he will find that I am right.

Mr. GIBSON: I will look into the matter.

Mr. CHANCE: Will he read the Act now?

Mr. GIBSON: I have not got it.

Sir JOSEPH M'KENNA (Monaghan, S.): If the right hon. and learned Gentleman discovers that the facts are as the hon. Member for South Kilkenny has stated, will he take care to introduce an Amendment to obviate the difficulty pointed out?

Mr. GIBSON: Certainly. I think hon. Members opposite are under some misapprehension in regard to this matter; but as to Section 22 I think it is as well to defer the consideration of it until it is reached. Some points raised by hon. Members may be deserving of consideration when that clause comes on; and if there are any improvements which hon. Members can propose, I can promise that we will give them the most favourable consideration. All I would say now is, that I do not think hon. Members will be well advised in allowing this subject to be discussed at greater length. It seems to me to be obviously inconvenient to be devoting time to the use of arguments which may have to be repeated later on, when we come to the consideration of Section 22. If hon. Members will present to the Government any case which can be properly dealt with as to ejectments and stay of ejectments not actually put in force, I will undertake, on the part of the Government, that it shall be fully considered. The point raised by the hon. Gentleman is not as to ejectments exacted by execution, but ejectments that remain unexecuted, and as to which a stay of execution may be allowed, MR. MAURICE HEALY: I include cases in which the ejectment has not been executed, and cases in which the ejectment has been executed, but in which the six months have not run out.

MR. GIBSON: If the hon. Member looks at the provision in Section 4, he will see the way in which it runs. Section 22 provides that the Court may put a stay upon the execution of the judgment for such time as it thinks reasonable, if it thinks that the tenant is unable to satisfy, by an immediate payment in full, the landlord's claim for arrears of rent. Section 22 is conversant only with stays of execution; and if an execution has taken place, it is really introducing a whole new set of provisions and a whole new set of principles to say that the execution which has already taken effect is in some way to be got rid of subsequently. That was not the point raised by the hon. Gentleman himself; and it was because I thought that I caught in some expression used language that might be thought to cover the case of executions that I took care to point out the enormous difficulty that would arise in dealing with these matters before we come to Section 22. I am glad the matter has been elucidated; but it appears to be contemplated that a wholly new principle should be introduced—inasmuch as that the execution and the landlord's rights should be superseded, and that when the landlord has a right vested in him by process of law, it ought to be considered whether it should be dealt with by subsequent legislation. That is an important principle; but it is not a principle such as is to be found in Section 22. If it is discussed it will have to be discussed in a separate form, and I do not think it would be reasonable to prolong this discussion now. I would suggest that it would be convenient to withdraw the Amendment.

MR. CHANCE: The right hon. and learned Gentleman has rather suggested that the provisions of the existing law, which require that notice should be given to the relieving officer by the landlord when an ejectment is contemplated, would apply in this case. I do not like to be contradicted when I believe I am right, even by an Irish Attorney General. I pointed out that the Act dealing with the relief of the destitute poor evicted from their holdings provides that no writ or process for obtaining possession of the land shall be executed until 48 hours' previous notice has been given to the relieving officer. Obviously no order to eject a caretaker from the land is a writ or decree for "possession of the land."

MR. GIBSON: I am afraid I must adhere to my opinion. Surely an order of the Court of Petty Sessions to eject a caretaker is an order for obtaining possession of the land.

MR. MAURICE HEALY: I acknowledge the spirit in which the right hon. and learned Gentleman met me on each occasion on which he rose, and probably I have no right to expect that at this stage of the discussion of this Bill I shall obtain a more definite promise than I have received from him. I do not desire to prolong this discussion further than to say this—he has told us—and I hope he will consider this point during such time as he may have to reflect what change may be necessary in Section 22—he has told us it would be introducing a new principle into the law to give the benefits of Section 22 to persons who had been actually evicted before the passing of the Act, but where the six months' grace for redemption had not expired. If he wants a precedent for that, I will give him one—and I mention precedents because he says there is no principle in the matter. The matter is covered by a precedent strictly in point in the Arrears Act passed in this House three years ago. That Act specifically permitted, by express decree, tenants who had been actually evicted to get the benefits of the Act. Consequently, if it is difficult to find a precedent for my proposal, I would recommend the right hon. and learned Gentleman to consider this case. He will find the difficulty vanish. I, therefore, hope that, in any concession the Government may be willing to make, they will not exclude what are really the most pitiful cases of all, the tenants who have actually been put out of their homes before the saving hand of the Legislature has been extended to them by this measure, but whose six months for redemption has not yet expired, and who, therefore, may be supposed, in ethics and morality, whatever their position in law may be, to have some claim on the little holding on which they may be living. I hope the right hon. and learned Gentleman will consider the matter. Having regard to the fair spirit in which he has met me, I ask leave to withdraw my Amendment.

Amendment, by leave, *withdrawn.*

MR. CHANCE (Kilkenny, S.): Now, Sir, I beg to draw the attention of the Committee to the fact that this clause, as at present drawn—while, of course, it gives very slight benefit, if any at all, to the tenant—leaves the back door completely open to the landlord. I understand that the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain), and a number of hon. Gentlemen who act with him, feel very strongly upon this question of the back door; they desire that the back door should be shut against the landlord as well as the front door. There are two processes by which the landlord can recover his land. One of the processes is that of ejectment, and the other is the more drastic process by which a landlord deals with a tenant who does not pay his rent—that is, to sue him for his rent in the ordinary way as he would sue an ordinary debtor. Having obtained judgment against him for the non-payment of the rent, which is *primâ facie* an excessive rent, the landlord thereupon obtains a decree of *fieri facias* to direct the Sheriff to go down to the holding. The Sheriff visits the place, and the first thing that is put up for sale is the tenant's interest. The sale is caused in the great majority of cases by the fact of the excessiveness of the rent; and, consequently, no person other than the landlord is in a position to bid for the holding. As a matter of fact, the landlord has the field to himself, and when the auctioneer puts up the tenant's interest in the holding, the landlord, either by himself or through an Emergency man, bids, say, £5 for the holding, which is thereupon knocked down to him, and the conveyance of the Sheriff is executed to him, and he proceeds to evict upon the title. The tenant right is absolutely obtained for one £5, which, of course, the landlord simply transfers from one pocket to another. That is a much more drastic power than the ordinary process of eviction; there is no six months allowed for redemption, and the landlord, by this process of transferring a £5 note from one pocket to another, becomes the possessor of the whole of tenant's interest in the holding, and in addition to that has the right to recover the remainder of the rent whenever the tenant does get assets. If the tenant migrates to another part of the country, or leaves the country altogether, he is still liable for the rent unpaid, and the landlord may come down upon him at any time he chooses. The rent is only wiped out to the extent of the £5 paid for the tenant's interest. Now, this clause proposes to leave the remedy of the landlord absolutely untouched, and the result will be that the landlord will say to himself—"There are two methods open to me. Up to the present I have not been inclined to use the more drastic of the two methods open to me; but I do not see why I should not put an end to the whole business by getting rid of the tenant altogether." The great difficulty in this matter is the use which will be made of this back door. The result will be that while this clause, on the face of it, proposes to give what the Government describe as a sort of protection to the tenant of a less rental than £100, every landlord who chooses to avail himself of this rapid and expeditious manner of obtaining admission by the back door may do so. I know the right hon. and learned Attorney General for Ireland (Mr. Gibson), who is fertile in legal experiences acquired by long practice before the Irish Courts, will say—"Oh, there is no period of redemption allowed to tenants under this summary process before he is sold up by the Sheriff." By the simple transference of a £5 note from one pocket to another in the manner I have described, the landlord may completely ruin the tenant. He ought not to be permitted to do that. I see no difficulty in the way of the adoption of my Amendment; it simply asks for the period of six months which a tenant gets under the Land Act. I trust I shall receive some support in respect to the Amendment from even the dissident Liberals.

Amendment proposed,

In page 2, line 36, after the word "rent," to insert the words, "or a judgment for possession consequent on a sale by a Sheriff under a fieri facias in an action for rent."—(*Mr. Chance.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I think the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain) must regret ever having said anything about a back door in reference to Section 22, having regard to the use made of this phrase by hon. Gentlemen below the Gangway in connection with this clause. I am altogether at a loss to understand the extraordinary introduction of the back door argument into the consideration of this clause; indeed, I do not understand what it means. The provisions of Section 4 of this Bill are objected to by hon. Gentlemen below the Gangway because they imagine that landlords will be encouraged under it to adopt the drastic measures to which reference has been made. It is not every landlord who is impressed by the proposals of Section 4, and who would be encouraged to exercise his rights to the extreme. It is suggested by the hon. Member for South Kilkenny (Mr. Chance) that the provisions of Section 4 are onerous and harsh, and that the landlord, therefore, will try and enforce an ejectment for non-payment of rent by the old method. If I understand the hon. Gentleman's view, it is one which is opposed to every argument we have been hearing for the last two days. It has been argued up to this that this clause will remove all the obstacles in the landlord's way; that, in fact, it amounts to an invitation to him to bring about harsh and unreasonable ejectments for non-payment of rent. The argument of the hon. Gentleman now is that this section places such pressing restrictions upon the landlords that they will not make use of its powers.

Mr. CHANCE: I did not say any such thing. I said that was his opinion; and if the right hon. and learned Gentleman accuses me of abandoning my position, I can with equal truth accuse him of abandoning his.

Mr. GIBSON: I think I am justified in saying that the argument of the hon. Gentleman is that Clause 4 places large restrictions of so oppressive a character upon the landlord that it may be assumed that the landlord will not proceed under the section, but will sooner have recourse to ordinary eviction with all the glory and honour attending the presence of police and soldiers. The hon. Gentleman proposes that the provisions of this clause should be extended to cases of ordinary judgment, because he says that landlords would sooner have recourse to ordinary judgment than ejectment. If the argument advanced for the last few days had any meaning at all, it would be a very serious matter indeed for the tenants' interest if you enlarged the scope of Section 4 by introducing into it the judgment in any ordinary ejectment. The Committee will see that this Amendment does not apply to landlord purchasers, but to all purchasers. When a landlord puts in an execution for rent, other people may buy beside the landlord. I do not think that this Amendment of the hon. Member is a very serious one. I apprehend that his object in moving it is that he wishes to introduce ordinary judgments into the beginning of this section, and then to go on to provide that in each case a tenant, who has ceased to be a tenant because his interest has been bought in, shall have compulsory power of redemption without the exercise of any discretion whatever by the Court. I gather that that is the hon. Gentleman's meaning. [Mr. CHANCE: Certainly.] So he is setting aside by anticipation all the provisions of Section 22 which allow for the individual discretion of the Judge; and he is providing that in the case of a tenant who has ceased to be a tenant, and who has ceased to have any equity of redemption, the tenant shall have the right for six months to restore his tenancy by paying the arrears of rent. That is an enormous proposition, and one to which the Government cannot be expected to accede.

Mr. CHANCE: The right hon. and learned Gentleman has, with great vigour, asserted that we have now changed our arguments—that our arguments upon this clause are different from those we have advanced for the last two days. I never said that this clause would throw any serious obstacles in the way of an evicting landlord; but I said it would throw some slight obstacle. The reason why I said that was that early in to-day's proceedings the hon. and gallant Gentleman the Member for North Down (Colonel Waring) suggested that this clause should be modified. He pointed out that the moment a notice is served, the tenant will be converted into a caretaker; that the tenant can then be ejected as a caretaker; and that the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain) was quite incorrect when he said that this clause would postpone for six months all evictions. It would not do any such thing. The hon. and gallant Gentleman said he was a landlord, and we know he is a very good landlord, too. He said he thought that some time should be given to the tenant after the service of the notice; and some Member of the Government rose, and, in most honied tones, declared that the suggestion thrown out by the hon. and gallant Gentleman was one most worthy of consideration. We know perfectly well what that means. We know that there is to be some modification in the power of eviction, and that, at least, for some weeks after notice has been served rendering the tenant a caretaker he is not to be turned out. That is the slight obstacle in the way of eviction to which I have referred. The Government have stated that by every word and line of this clause they will stand or fall; but they have already departed from that eminently virtuous position, and now we are dealing with a clause which is different to that defended by the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen) and the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith). My argument has not been touched by the right hon. Gentleman the Attorney General for Ireland. I say that some slight obstacle is thrown in the way of eviction by the ordinary process. A miserable back door is left open to the landlord; while you close one door you open another; you absolutely tempt the landlord to ruin the tenant by the process which, as I have said, simply amounts to transferring £5 from one pocket to another. This being the effect of the clause, I maintain that the clause is illusory and dishonest.

Mr. JOSEPH CHAMBERLAIN (Birmingham, W.): The right hon. and learned Gentleman the Attorney General for Ireland (Mr. Gibson) and the hon. Member for South Kilkenny (Mr. Chance) have both referred to some observations of mine in reference to this matter. In answer to the right hon. and learned Gentleman the Attorney General for Ireland, I must tell him frankly that I do not regret in the slightest degree my allusion to the back door which is left open by Clause 22; and I regret it still less because the force of my observations has been acknowledged by the Government, and they have expressed their intention of dealing with the matter in a subsequent Amendment. But the question now raised appears to be an altogether different one. Let me, in the first place, allude to a statement made by the hon. Member for South Kilkenny, to the effect that in speaking last night I had spoken of this clause as one which would postpone evictions for six months. Upon that I understood him to say that, as a matter of fact, as soon as a man becomes a caretaker he may be ejected by the landlord. That, of course, is true; but this is a matter of practical politics. Is it likely that the tenant will be evicted by the landlord when, as a matter of fact, his right of redemption remains for six months? What can be the use of turning out a tenant, and undergoing all the odium of the process of eviction, when at any time the tenant, by settling with his landlord, can re-instate himself in all his rights?

Mr. CHANCE: Every tenant who is evicted now has a period of six months for redemption; but I think this House is familiar with the fact that there are a large number of evictions under the precise circumstances which the right hon. Gentleman says would render evictions practically impossible.

Mr. JOSEPH CHAMBERLAIN: I, of course, yield to the practical knowledge of the hon. Gentleman the Member for South Kilkenny; but it is perfectly clear, from the Return with which we have been furnished, that the number of second evictions which takes place bears but a very small proportion to the number of original ejectments; and consequently I think that, although I was not strictly correct in what I said, I practically represented the state of the case when I said the effect of this clause would be, at all events in the vast majority of instances, to postpone evictions for six months after the service of the notice. What is the present proposition of the hon. Gentleman? He proposes that in every case of proceedings under *fieri facias* the tenant should come under the 4th clause; that notice should be served; and that during six months after that notice the tenant should have the right of redemption. In the first place, I may say this. From the hon. Gentleman's own point of view it does not appear to go far enough, because the proposition in regard to Clause 22, which I understand the Government have accepted, is that the interposition of the Court shall take place in every proceeding under *fieri facias*, not only in proceedings in actions for rent. If the hon. Gentleman wishes to be perfectly consistent, he should strike out the words "in action for rent," and leave it that this alternative is to be granted to every proceeding under a *fieri facias.* What is the present position of a person under a *fieri facias?* A person gets judgment under a *fieri facias*, and it does not give to the tenant any right of redemption at the present time. Why should he have it? I quite understand that when we come to deal with Clause 22, where we wish to interpose an equitable jurisdiction of the Court, it would be desirable to allow to the landlord an alternative proceeding; but in this we only provide that in a case in which the landlord would proceed under the ordinary law by eviction he shall proceed by notice. I confess it appears to me that the hon. Member's proposition is an unnecessary one; I am doubtful, indeed, whether it would prove of advantage to the tenant, and I think it stands upon a totally different footing from the proposal we shall have to deal with when we come to Clause 22.

MR. MAURICE HEALY (Cork): The right hon. Gentleman (Mr. J. Chamberlain) fails to grasp the meaning of the Amendment. He has said my hon. Friend (Mr. Chance) has gone too far, or not far enough. I do not agree with that view. I understand the meaning of my hon. Friend's Amendment is that the landlord has two modes of recovering his rent, and that one mode is a great deal more summary and dangerous than the other. If you are going to assimilate the two modes of recovering rent on one point, it is only fair you should assimilate them upon all other points. That is the argument of my hon. Friend, and I think that that ought to relieve him from the allegation of any inconsistency. Let me admit at once, so far as the historical aspect of these two legal remedies is concerned, that there is no sort of analogy between them. The remedy by *fieri facias* is a remedy of the ordinary creditor; it is the remedy which any man who has a claim for damages against a person has, and the landlord has it only in common with every other creditor. But the landlord may take the special remedy peculiar to his position; and, therefore, so far as its historical aspect and so far as its legal aspect is concerned, his special remedy is totally different from the other. Whatever difference there may be in the history of the two remedies, and whatever difference there may be at present in their legal effect, in substance, so far as the landlord is concerned, they are the same. They are an attempt made by him to recover rent which, for the purpose of argument, must be admitted to be unjust; and what we say is this—that if you interfere with one of these remedies for the recovery of an unjust debt, it is, as the right hon. Gentleman himself pointed out, an absurd thing to open another door by which the landlord can accomplish the end you desire to prevent him accomplishing. The right hon. and learned Gentleman the Attorney General for Ireland has taunted my hon. Friend with being inconsistent in the views he is now advancing. He says that the case of the Irish Members up to this has been that this section is of so atrocious a character that they ought to have no truck of any kind with it; that it ought to be got rid of altogether; and he said that that view is inconsistent with the view put forward by my hon. Friend in proposing that this section should actually apply to cases it does not now apply to. Permit me to say that my hon. Friend's attitude on this clause is not inconsistent in the smallest degree with the views hitherto put forward by us. We have never said that the landlord's remedy by ejectment for the non-payment of rent, as it will be altered by this clause, was worse than the remedy by *fieri facias.* All we have said is that the remedy by ejectment for non-payment of rent, as altered by this clause, will be a great deal worse than the remedy for the non-payment of rent as it exists at the present time. There are three degrees of comparison in this matter. There are the present proceedings, which are bad; there are the proceedings for non-payment of rent, which are worse; and there are the proceedings by *fieri facias*, which are the worst of all. What we propose is this—that the proceedings by *fieri facias* shall be so materially altered and cut down that, at any rate, they shall not be worse than the second class of remedy—namely, the class of remedy for non-payment of rent, as it will be modified by this clause. I am sorry the right hon. and learned Gentleman so little appreciated the matter of this Amendment that he can possibly say it was proposed in a light or trivial spirit. I can assure him that there is no question which so presses on the Irish tenant as his position when he is sold up under a writ of *fieri facias;* and when he is absolutely helpless for all purposes, he is bound hand and foot, his goods are confiscated, and he knows that the debt for which the landlord has resumed has not been wiped out by the process of resumption. There is nothing presses so keenly on the Irish tenant as the fact that when the landlord turns him out he is from that moment separated from his holding and rooted out of the soil. I do think that if the Government have in their minds any idea of making a beneficial alteration of the law upon this question of remedy by *fieri facias*, and I understand they have, they will consider the question fairly from the point of view we have put before them.

Mr. CHANCE: I am afraid the Government are in a state of unusual stubbornness this evening, and that 24 hours' consideration may be of benefit to them. I think that if the right hon. and learned Gentleman the Attorney General for Ireland looks into the matter a little more carefully, he will find that some expedient may be devised by which the landlord will not be enabled to wrong his tenant so absolutely and cruelly as he may do under this clause as it at present stands. In order that the Government may have some time to consider the desirability of making a concession upon this point, I beg to ask leave to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Mr. EDWARD HARRINGTON (Kerry, W.): I desire to move the Amendment which stands in my name — namely, to leave out "does not exceed," in line 37, and insert "exceeds." I admit that this Amendment, if accepted, will turn the clause upside down. This Bill is said to be introduced to protect the people in the remote districts of Ireland from the scandal of eviction. I assert from a practical experience of evictions — for the purposes of business, and owing to my sympathy with the people, I have dogged the footsteps of the Sheriff for the last six or seven years—I assert that this clause, if passed in its present shape, will be entirely nugatory in its good effects; indeed, I believe we shall find people perishing by thousands in Ireland as the result of the operation of this clause. I do not bind myself to the figure of £100 a-year rent, but I take the figure in the clause. I ask the Government, is it not more likely that there will be more justice in applying this provision to the larger tenants of Ireland, who read the papers and know what is going on in the Law Courts, than in applying it to the poor and ignorant people in the remote districts of the country? There is another aspect of the question. I fancy the great trouble in evictions is the removal of the effects of the party evicted; and if he be a tenant farmer, with a large property, and suitably furnished, and with a good stock in his outbuildings, is it not reasonable to think that in the case of an eviction such as that there should be some long delay in the proceedings? The putting of a man's goods outside his door for an hour or so, and then replacing them, must injure and deteriorate them. A case of this kind really deserves some consideration from the House, if you at all intend to facilitate the progress of evictions. Now, I do not agree with a single line of the clause, and I was glad to find that the voice of the noble Lord the Member for South Paddington (Lord Randolph Churchill), though it was only a voice in the wilderness, was raised in protest against this clause. I believe that if the noble Lord had followed the example of many of his countrymen during the last autumn, and visited Ireland, and seen for himself the evictions which took place, and which are sometimes glibly described in this House as got up altogether for theatrical effect—if he had seen the character of the land from which these people were evicted, I really believe that what he would have seen there would have had a far better and more useful effect on his mind than association with Irish landlords on the

Benches opposite and other hon. Gentlemen who are intermingled by social, political, and financial relations with Irish landlords, and whose votes, therefore, cannot be regarded by us with that respect they otherwise would be. Now, at this hour (5.20), I had better not speak at any length upon this Amendment. [*Cries of* "Hear, hear!"] There is one thing hon. Gentlemen opposite most cordially invite, and that is our silence. I believe that silence is the only thing that they admire in us; but it is hard for us to be silent when we remember that in Kerry alone, since 1880, 14,000 human beings have been evicted from their homes. Thousands of these people are still homeless. Is that not a consideration, I ask, which should always be present to our minds? I ask you whether you ought to facilitate by legislation the horrible process of eviction which has already, God knows, been carried far enough in the county of Kerry at least? What will happen under this clause? If the landlord intends to evict the people of a whole mountain district, or of what I may call a sea-coast mountain district, people who are constantly on the verge of starvation, what will happen? An affidavit will be lodged in Court, and the people will have posted to them evicting notices which have been described as amounting to sentences of death. These sentences of death will not be delivered physically by the Sheriff and the crowbar brigade as hitherto. Many people may never get the notice which is posted to them, and thousands may not be able to read them or to estimate their value. One of your strongest arguments at the time of the passing of the Franchise Bill against the enfranchisement of the smaller tenants of Ireland was that they had not the intelligence necessary to understand political questions. If that is so, how can they be expected to understand the intricacies of this clause; how can they understand its value or meaning? The first intimation which hundreds of thousands of the people will receive of the proceedings taken against them will be when the police-constable walks in at their door and turns them upon the road-side. I wish to mention in connection with this fact that there is no provision—at least, we are in doubt as to whether there is any provision—by which the relieving officer can be apprised of the distress of these people. There is no doubt you will have these people, homeless and starving, presenting themselves at the workhouse gate, but shut out from all relief. I consider this is one of the most barbarous proposals ever made by any Government under the pretence of remedial legislation. I think the Government ought to have entitled this clause, and written the title in letters of blood—"A clause for destroying the property of all tenants in Ireland, and for silently doing to death thousands of people whose fate at the present time awakens the interest of this country." I pledge myself to this Committtee solemnly that the first intimation that numbers of the people at Glenbeigh received even under the existing law that they were the subjects of eviction was the application of the crowbar to the gable ends of their houses, or the setting fire to the thatch. That is what we shall have again. We shall have a repetition of the scenes of Glenbeigh; we shall have the landlords burning poor Irish tenants out of their humble cabins. Humble as these cabins are, they are, after all, the homesteads of Irishmen. Do not Irishmen and their families live in these cabins; have they not been born and reared in them; and is it beyond the bounds of possibility that out of every cabin you blot out by a stroke of your pen there may spring men whose voices will ring through the world hereafter in deprecation of your rule? These cabins are the homes of Irishmen, and the humbler they are presumably the more miserable is the lot of their occupants, and the more tender should be the treatment those occupants should receive. I do not think you ought to apply this clause at all; at all events, you are proceeding to apply it to the wrong section of the farmers of Ireland. A man who pays a rent of upwards of £100 will, in all probability, have an account at a banker's; he will be a man of some intelligence, and will be able to realize the value of any documents served upon him. He will be able to seek legal assistance, and I appeal to you, if you will inflict this cruelty upon men, to inflict it upon those who are able to bear it. Do not by this clause attempt to deceive yourselves in this Pharisaical way that you will get rid of second evictions. We do not desire that hundreds and thousands of the poor people of Ireland shall be dragged from their homes, and have no chance of obtaining the sympathy of the public opinion of this country and of the world. I think it is a paltry pretence which animates this clause, and it is plain to me that an evil genius has been at work. It is not to protect the interests of the poor people of Ireland that you have conceived this clause; it is not for the purpose of obviating evictions; but it is for the purpose of putting a premium upon evictions. Notwithstanding what there may be said to the contrary, I am sure there is sufficient human feeling left in the breasts of hon. Members to prompt them, if they only receive enlightenment on this question, to agree with me with respect to it. I repeat that this clause ought to be applied, if it is to be applied at all, to the better-to-do class of tenants, rather than to the poor and obscure tenants of Ireland. I beg to move the Amendment which stands in my name.

Amendment proposed, in page 2, line 37, to leave out the words "does not exceed," and insert the word "exceeds."—(*Mr. Edward Harrington.*)

Question proposed, "That the words 'does not exceed' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): If the contention of the hon. Gentleman were well founded, that this clause will increase the hardships of the poorer tenants who will be liable to these notices, there would be good reason for this Amendment; but the Government believe, on the contrary, that this clause will diminish the hardships of eviction on the poorer tenants. The clause is confined to tenants paying a rent of under £100, because it is the opinion of the Government that the more wealthy tenants are well able to arrange with their landlords, and require no such special protection as will be afforded by this clause to smaller class of tenants.

MR. DILLON (Mayo, E.): The right hon. and learned Gentleman the Attorney General for Ireland has declared that it is the wish of the Government to benefit the smaller tenants, and the right hon. Gentleman the Chief Secretary for Ireland has said that the Bill will be endangered if this clause is rejected. I certainly cannot reconcile the contradictory speeches which are made on the Government side of the House. For my part, I must, in the strongest possible way, support the Amendment of my hon. Friend. We must recollect that the smaller tenants of Ireland are, in the main, not men of education, and that they cannot be expected to understand immediately what the effect of a Resolution of this House is. If it be true, as I assert and believe, that immediately after the passing of this Bill, if this clause be retained in it, an enormous multitude of notices under this clause will be instantly served in respect of judgments already held by the landlords of Ireland for the most part against the poorer tenants—if that be true, you will have, long before any possibility of these tenants being brought to understand the effect of the notices they receive, thousands of poor tenants receiving notices by registered letter. By the sending of these registered letters tenants will be turned into caretakers, and for weeks and months they will not have the slightest idea of what has occurred. What is proposed by the hon. Member for West Kerry (Mr. E. Harrington) is that the operation of this clause shall be confined to men who, by their position in life and education, may be assumed to understand the proceedings which have been taken in respect of them when they receive a notice under this clause. The receipt of this notice is nothing more or less than an eviction from the holding. In reference to the smaller tenancies, a gross and absurd fallacy has been attempted to be palmed off on this House in the course of these discussions. Hon. Gentlemen have spoken of the sufferings of Irish tenants through evictions. Now, why do tenants suffer through evictions? Is it because the Sheriff tells them to go out of the house? No, Sir; it is because the tenancy is broken. Am I to be told that the mental sufferings of a man is not precisely the same whether he is physically put out or receives a notice of this kind? Notices under this clause will be served by thousands in the very first week after the passing of this Bill; and I ask hon. Members to endeavour to realize, if they have never done so before, the frightful sensation to an Irish tenant which an eviction causes him — to realize the terrible mental suffering that the serving of a notice under this clause will cause him. It has been said that one of the objects of the serving of this notice is to spare the tenant's sufferings. I have had some little experience of evictions. Men have come to me from time to time, and have told me, with tears in their eyes, that for weeks, while their evictions were pending, they have never closed their eyes. Try and realize to yourselves what the feelings of an Irish tenant must be if he really does understand the meaning of a notice under this clause being served upon him. Try and realize what his feelings must be when, day by day and week by week, the time is elapsing, and the hour approaches when all hope disappears. The operation of this clause is calculated to leave the tenant at the mercy of the landlord without the sympathy of the neighbours. Hon. Members have thought well to sneer at the public manifestations of sympathy with the evicted tenants of Ireland. Why, Sir, I invite any hon. Member of this House, be he Liberal or Conservative, to go over to Ireland and ask the men who have been evicted whether they have derived any comfort from the public manifestations of sympathy with them. I tell hon. Members that the lot of the evicted tenants in Ireland has been elevated beyond description by the interest in their sufferings which has been evoked in this country. Under the operation of this clause the period of redemption will go on elapsing without public disturbance, without public meeting, without public sympathy being excited on behalf of the tenants. Everything will be done in the dark, and the tenant will be kept for six months, as it were, upon the rack, and when he feels that all hope is gone, he may find the landlord coming into his house and compelling him to agree to any terms the landlord may choose to dictate. No doubt, under pressure, a poor tenant will sign anything. Let me say, in conclusion, that when you talk about a settlement, the settlement will, in 99 cases out of 100, be a settlement most convenient to the landlord, because it will always be made on condition that the tenant sacrifices some of his rights.

MR. MAURICE HEALY (Cork): The right hon. Gentleman the Chief Secretary for Ireland declared that if any class of tenants ought to be exempted from the operation of this clause that class ought to be——

It being now a quarter of an hour before Six of the clock, the Chairman left the Chair.

Committee report Progress; to sit again *To-morrow.*

MOTIONS.

—o—

SETTLED LAND ACT (1882) AMENDMENT BILL.

On Motion of Mr. Haldane, Bill to amend "The Settled Land Act, 1882," *ordered* to be brought in by Mr. Haldane and Mr. Chance.

Bill *presented,* and read the first time. [Bill 339.]

LAW OF LIBEL BILL.

On Motion of Sir Algernon Borthwick, Bill to amend the Law of Libel, *ordered* to be brought in by Sir Algernon Borthwick, Mr. Jennings, Mr. John Morley, and Mr. Lawson.

Bill *presented,* and read the first time. [Bill 340.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 28th July, 1887.

MINUTES.]—SAT FIRST IN PARLIAMENT—The Viscount Leinster (Duke of Leinster), after the death of his father.

PUBLIC BILLS—*First Reading*—Statute Law Revision* (192); Escheat (Procedure)* (193); Secretary for Scotland Act (1885) Amendment* (194); Trinidad and Tobago* (195); Adulteration* (199).

Second Reading — Allotments and Cottage Gardens Compensation (155).

Committee—Legitimacy Declaration Act (1858) Amendment* (159-196).

Committee — Report — Public Libraries Acts Amendment (No. 2)* (185).

Report—First Offenders (182-197).

Third Reading—Metropolitan Open Spaces Acts Extension* (190) *now* Open Spaces; Water Companies (Regulation of Powers)* (172), and *passed.*

PROVISIONAL ORDER BILLS—*Second Reading*—Tramways (No. 1) (181); Local Government (Ireland) (Ballyshannon, &c.) (163).

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDERS (BALLYSHANNON, &c.) BILL.—(No. 163.)

(*The Lord Privy Seal.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Moved, "That the Order made on the 3rd day of March last, 'That no Provisional Order Confirmation Bill brought from the House of Commons shall be read a second time after Friday, the 1st day of July next,' be dispensed with, and that the Bill be read a second time."—(*The Lord President.*)

THE CHAIRMAN OF COMMITTEES (The Duke of BUCKINGHAM and CHANDOS) called attention to the late period of the Session, and declared that it was important that such a measure as this should be dealt with at an earlier date. The Bill was brought up on the 11th July, but no effort had been made to pass it until now. He would impress upon the noble Viscount the necessity of dealing with these Bills as soon as possible.

THE LORD PRESIDENT OF THE COUNCIL (Viscount CRANBROOK) said, that he was not responsible for the delay which had occurred. He had only moved the second reading on behalf of his noble Friend (Earl Cadogan).

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

ALLOTMENTS AND COTTAGE GARDENS COMPENSATION BILL.—(No. 155.)

(*The Earl of Winchilsea.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF WINCHILSEA, in moving the second reading of the Bill, said, that an apology was due to their Lordships for his thus early intervening in their Lordships' debates. He hoped, however, that an excuse for him would be found in the fact that, in common with his hon. Friend Sir Edward Birkbeck, he was responsible for the Bill in the House of Commons; and as the Bill and himself reached their Lordships' House on the same date, he could not refuse the request of his hon. Friend to take charge of it. The Bill was a very simple one; but he would like, with their Lordships' permission, to say a few words with regard to its scope, its necessity, and the machinery by which they hoped to carry its objects into effect. Their Lordships would observe that the provision of allotments was not within the scope of the present Bill. He desired to express the satisfaction with which he remembered that their Lordships had lately agreed to the second reading of a Bill brought in by the noble Earl (the Earl of Dunraven), and that the Government had lately in "another place" introduced a Bill almost exactly upon the lines of one which he had the honour to introduce last Session. As he had said, he remembered that with satisfaction, because it manifested the interest which their Lordships took in the subject. When this question was first mooted, he called together the delegates of the Spalding Division of Lincolnshire, who were elected by the labourers, to confer with him as their Member, and from their experience they pointed out cases in which very great hardship had occurred. In some of these cases weekly tenants had been turned out of their allotments at seven days' notice, just before the harvest, thereby losing crops varying in value from £4 to £4 10*s.* Exactly the same experience was reported to Sir Edward Birkbeck in Norfolk. The artizans of Nottingham, to the number of 1,600, were also allotment holders, and were extremely interested in the success and the passing of this Bill. With regard to the machinery by which they proposed to carry out the provisions of the Bill, the first essential present to their minds was that it must be cheap. The sum in dispute being so small, it was absolutely necessary that any valuation which might be come to should cost so little that it would not make any appreciable reduction on the sum to be received by the outgoing tenant. The idea struck him at the time that it might be possible to get it done for nothing. He recollected—and he believed their Lordships would bear him out—that it was said there were only two classes in the community who worked for nothing—namely, magistrates and Members of Parliament. Members of Parliament had now so many onerous duties cast upon them that they could not be expected to give much time to such a matter as this. The analogy at once struck him of the public footpaths, which were ordered to be closed occasionally after being inspected by two magistrates. The framers of the Bill had often been asked why magistrates had been selected as the class from which arbitrators should be drawn. The simple answer was that they were the only people who were likely to give their services gratuitously. He, therefore, ventured to express a hope that their Lordships would not only give a second reading to the Bill, but that, unless urged by very serious considerations, he might suggest to their Lordships that they might do so without any amendment. He fully admitted the right of their Lordships to amend either that or any other Bill at their discretion; but he desired to point out a circumstance which ought to be known to them. The self-styled champions of the rights of tenants in Ireland in the House of Commons persistently blocked that obviously simple measure of tenant right as often as he introduced it, and it was only by a ruse that they obtained a second reading on a Wednesday afternoon. He commended that consideration especially to two noble Lords opposite, who were identified politically with that Party. But as he was sure that their Lordships did not wish to play into their hands and give them another opportunity of wrecking the Bill, he trusted that no Amendment would be introduced in Committee, which would have the effect of returning the Bill again to the House of Commons. He had, he hoped, shown at not too much length what was the scope of the Bill. He had shown how simple, and yet how adequate, was the machinery by which they hoped to carry it into effect, and the necessity which had been proved to exist for its provisions. He had been told that the noble and learned Lord opposite (Lord Bramwell) intended to move the rejection of the Bill; but he confessed that he was at a loss to know upon what grounds. If it was upon the ground that it was an interference with the freedom of contract, he would remind their Lordships that, especially in modern times, many contracts had been considered to be contrary to public policy, and as such had not been enforced by the Legislature, and that that had been especially the case where Parliament had had reason to suppose that one of the two parties to a contract was not precisely in the position of a free agent. If, on the other hand, the noble and learned Lord intended to oppose the Bill as an interference with the rights of property, he owned that he should be still more astonished. He contended that the Bill was, in the highest sense, a Bill to prevent the confiscation of property. It was a matter of how they defined the word "property." Surely they should not be told that that alone was property which descended to them from their ancestors, whilst that was not property at all which they created by their own manual labour and exertions. The noble Duke opposite (the Duke of Argyll), in the eloquent speech which he addressed to their Lordships on the occasion of the second reading of the Criminal Law Amendment (Ireland) Bill, claimed the right of the labourers of this country to combine in order to protect, and, if necessary, to raise the price of their labour. Nay, their Lordships had gone further, and had admitted, by passing the Allotments Bill of his noble Friend near him (the Earl of Dunraven), the right of labourers to be provided with a field for the employment of their spare capital—namely, their spare labour. Surely, therefore, it followed that it was still more the duty of the Legislature to protect from confiscation what was actually labour in its concrete form. He therefore asked them to read the Bill a second time, in the firm conviction that it was a simple, a just, a necessary, and an adequate measure. He felt sure that by doing so they would express their sympathy for, and their determination to protect, the form of property—for he adhered to the word "property"—which resulted from an industrious desire on the part of the labouring classes of this country to attain to an honest independence.

Moved, "That the Bill be now read 2ª."—(*The Earl of Winchilsea.*)

LORD BRAMWELL, in moving that the Bill be read a second time that day three months, said, that he spoke with considerable reserve in the presence of the Under Secretary of State for the Colonies (the Earl of Onslow), who knew so much more about the question than he did. But he had a justification in the opinion of a noble Lord (Lord Tollemache), whose authority on the subject would be recognized, and who had written to him a letter in which he expressed his opinion that the Bill would deter many landowners from granting allotments, and his hope that the Bill might at least be postponed until the provisions of the Government measure were before their Lordships. It was not with any ill-feeling towards allotments that he moved the rejection of the Bill; he was in favour of granting allotments—they were both profitable and agreeable to those who had them, and made them feel that property in land was for their benefit as well as for that of others. But this Bill, he believed, would operate against the object of the promoters of it. At present nobody was under any obligation to give an allotment. The effect of the 5th clause of the Bill was that no one should grant an allotment at all unless he granted it on the terms specified in the clause. Were their Lordships prepared to pass a Bill which said that no allotments should be granted except on particular terms, when it was absolutely certain that many persons would object to those terms? Another mischief about this provision was that it was a direct invitation to dishonesty. A man who had entered into a bargain that he would observe certain terms and conditions and would exact no others was by a provision of this sort invited, after he had had the benefit of his bargain, to depart from it and to get out of the person with whom he had contracted more than had been stipulated for. The argument brought forward by the noble Earl was that this was only an extension of the principle which was put in operation by the Agricultural Holdings Act. He strenuously opposed that Act when it was before their Lordships' House. Moreover, it was a fallacy to say what was continually being stated—namely, that one exception from a general rule was a warrant for another. That was not so, for every exception from a general rule must be justified by the circumstances of that particular case. He maintained that there was no valid reason for making this particular case an exception to the general rule. He submitted to their Lordships that the clauses of the Bill were very objectionable; but the fundamental error of the measure was in providing that unless allotments were granted on certain terms they should not be granted at all. The second error of the Bill was that it offered a direct inducement to fraud; and, further, the clauses were unreasonable in themselves, and held out to anyone who was unwise enough to grant allotments such a possibility of litigation that any prudent man would be disposed to say—"I will have nothing to do with granting allotments on these terms." With no desire to oppose the granting of allotments, which he hoped would be granted more numerously, he begged to move that the Bill be read a second time that day three months.

Amendment *moved*, to leave out ("now") and add at the end of the Motion ("this day three months").—(*The Lord Bramwell.*)

THE EARL OF DUNRAVEN said, he hoped their Lordships would not agree to the Amendment of the noble and learned Lord (Lord Bramwell), on the ground he had given that a Government Bill on the subject had been introduced into the other House of Parliament. The noble and learned Lord, he was sure, would not make any apology for moving his Amendment, seeing that he always proposed Amendments to almost every Bill of any kind in that House. He said, in justification of the course he took, that he had received a letter from some noble Lord in that House saying that it would be possible for his noble Friend who had introduced the Bill to postpone the second reading until the Government had announced their intention, which he said they were going to do next Monday. But, as a matter of fact, Her Majesty's Government had already fully explained their Bill, and he regretted that the noble and learned Lord had not been acquainted with the fact. Had the noble and learned Lord not read the explanation given by the President of the Local Government Board? If he had, he would have seen that Mr. Ritchie, in explaining the provisions of the Bill, explained why provisions with reference to compensation were not included. The reason why there was no provision for compensation was that such provision was contained in the very Bill which was now before the House for second reading, and Mr. Ritchie then said he hoped this Bill would pass. Mr. Ritchie said that compensation for outgoing tenants was to be left to the promoters of this Bill, which he hoped might become law. He (the Earl of Dunraven) submitted to their Lordships that if they rejected this Bill they would be rejecting what was practically a portion of the Government Bill which would have been included if it had not been already contained in this Bill. The noble and learned Lord (Lord Bramwell) went more largely into matters of detail than was usual on the question of second reading, and he did not propose to follow him into these matters of detail; but he would refer to his objection that the consent of the landlord should be made in writing. He asked what was to happen in cases where the consent of the landlord had been made, but not in writing. That seemed to be a somewhat frivolous objection, and he almost expected him to ask what was to happen in cases where landlords did not know how to write. The noble and learned Lord said the provisions in Clause 5 were a distinct incentive to dishonesty and fraud. He could not see how the contention was to be made out. The noble and learned Lord did not show any proof of his proposition. All that Clause 5 did was to prevent what was scarcely too harsh a word to describe as dishonesty on the part of some landlords. The object of the Bill was to prevent landlords doing what 99 out of 100 landlords never dreamt of doing, and that was to refuse reasonable compensation for certain improvements, such as drainage, &c. The noble and learned Lord said there was a good deal of difference between the present case and the case of tenant farmers affected by the Agricultural Holdings Act. But if it was necessary to protect tenants under the Agricultural Holdings Act, he thought there was *à fortiori* very strong need for protection of the class of men who cultivated these small allotments, and whose case this Bill provided for. The objection of the noble and learned Lord seemed to be scarcely worthy of the attention of the House. He hoped their Lordships would agree to the second reading of the Bill, not only on account of the value of the measure itself, but because it practically formed part of the Bill in the other House of Parliament in the hands of the Government.

THE DUKE OF RUTLAND said, he was greatly in favour of allotments, but he was not sure that both in the Bill now before their Lordships, and also in the Government Bill, a little too much was not done by compulsion as regarded both landlord and tenant. In his opinion they legislated a little too much in making everything compulsory, and leaving nothing to be done by agreement. He objected also to the proposals for setting aside contracts, as they seemed to be now a prominent feature of all land legislation. Another point was that there were two Bills on the same subject. It was sometimes difficult enough to interpret one Act, and it was unreasonable that there should be two on the same subject. He did not wish to oppose the Bill; but for the reasons he had stated he could not give it hearty support.

LORD MONK BRETTON said, that, as he had charge of the Agricultural Holdings Act, 1883, in its passage through the other House, he was glad to hear the noble Duke who had just sat down say that, notwithstanding his objection to this Bill, he was not going to vote against it. The Bill was supplementary to the Agricutural Holdings Act, 1883, and extended the right to compensation to a class of persons who were not included in that Act—namely, persons who occupied small plots of land for a shorter period than one whole year. The Agricultural Holdings Act, 1875, excluded persons who held less than two acres from the benefits of compensation; but the Act of 1883, which repealed that of 1875, extended to persons holding not more than two acres, provided they held for a term of not less than one year. This Bill extended the benefits of the Act to persons who held for less than that period. This extension was consistent with justice and common sense, if it were assumed that the Act of 1883 was consistent with justice and common sense. This Bill gave compensation not only to a new class of persons, but gave it for certain things not included in the Act of 1883, such as labour and unbought manures. He would remind their Lordships that under the Act of 1883 no person was allowed to contract himself out of the provisions of that measure; and, therefore, they ought to give the humbler class of tenants similar protection by means of this Bill.

EARL FORTESCUE said, he hoped that their Lordships would not consent to pass a measure containing a clause intended to facilitate the violation of contract. No subject had been so prolific of delusion as that of allotments. The question had at one time even led to a change of Government, and the unhappy author of the Amendment in the House of Commons which restored Mr. Gladstone to Office was afterwards ungratefully referred to by him as "a certain Mr. Jesse Collings." It had been shown that nearly three-fourths of the agricultural labourers in the country were in occupation of allotments or of cottage gardens of about a quarter of an acre. He had had personal experience on the subject, inasmuch as more than 40 years ago he had been consulted by his father, about arrangements to supply allotments as close as possible to the different hamlets near his residence, and at the end of 10 years it was found that nearly all of a special set of 15 allotments particularly close to the cottages for which they had been provided had passed into the hands of one man; while at the end of 20 years all the plots had been voluntarily surrendered by the holders on the ground that they were rather an incumbrance than an advantage to them. If there was a subject upon which more cant was preached about the country than another it was upon this question of allotments. When the multiplicity of Statutes had been so fully recognized as an evil that we were constantly having Bills passed, and more brought in for their consolidation and codification on different subjects, the introduction of two separate measures this Session on the small question of allotments, instead of one dealing with the whole of it, rendered it, quite apart from the merits or demerits of the particular Bill, a distinctly retrogade piece of legislation, especially as Parliament had already been considering more than one measure dealing with the subject this Session.

THE EARL OF SELBORNE said, that if anything in the world would tend to increase the misrepresentations and delusions existing with reference to the subject of allotments, which had been denounced by the noble and learned Lord (Lord Bramwell), it would be the hasty rejection of this measure on such grounds as those put foward by him. Their Lordships had, rightly or wrongly, passed the Agricultural Tenants' Compensation Bill, which concerned the tenant farmers, and which contained a clause which prohibited them from contracting themselves out of the provisions of the measure, and it was now proposed to reject a provision which was intended to protect in the same way the poorer classes of agricultural tenants. The other Bill was not before their Lordships, and they ought to consider the present measure on its own merits, without reference to the other Bill. The suggestions of the noble and learned Lord who moved the Amendment were worthy of consideration in Committee; but they gave no ground for rejecting the Bill on the second reading. On the whole, it appeared to him that their Lordships would do well, when a Bill was presented to them with a good and a just object, to give it a second reading, even if its provisions were imperfect.

EARL BROWNLOW said, he was willing to admit that since the time of the Agricultural Holdings Act there had been no great agitation on the part of allotment holders for a measure of this sort; but it was the function of their Lordships to mete out just and even-handed legislation to all classes of Her Majesty's subjects. After the Agricultural Holdings Act, which dealt with the tenant farmer, Her Majesty's Government thought they were taking a perfectly consistent course in legislating for the labourer. The noble and learned Lord who moved the rejection of the Bill was, no doubt, perfectly consistent in the course he had taken; but he thought their Lordships would incur a grave charge of inconsistency if they refused to allotment holders an advantage which a few years ago they conferred on tenant farmers. The noble and learned Lord had raised an objection as to the power proposed to be given to the magistrates in Petty Sessions to appoint an arbitrator. He admitted there might be certain objections to that; but when he came to look round he really did not see any other body which would fulfil the duty better. The Land Commission and the Boards of Guardians had both been suggested; but the former body could not have the necessary local knowledge, and there were many objections which might be urged against Boards of Guardians. He wished to support the second reading of this Bill, not only as representing Her Majesty's Government, but also as the landlord of a very large number of allotments. He firmly believed the Bill would be a boon both to landlords and tenants, and he trusted that their Lordships would give it a second reading, and, if the noble and learned Lord should press his Amendment to a Division, that they would express their opinion by a majority sufficient to show their sympathy with a hard-working and deserving class. The two Bills now before Parliament were entirely separate, and dealt with quite different subjects.

THE EARL OF WEMYSS said, that the Bills were not entirely separate, because Mr. Ritchie had stated that the reason why the question of compensation was not included in the Government Bill was because of the measure now under consideration. He, however, rose for the purpose of asking his noble and learned Friend to rest satisfied with the debate that had taken place, and not to press his Motion to a Division. There was one argument used by the noble and learned Earl (the Earl of Selborne) against which he wished to protest—namely, that because in some former Bill—the Agricultural Holdings Act—they had legislated in this direction for a superior class of tenants, they should for the sake of consistency read this Bill a second time. Did the noble and learned Earl mean that those who had opposed this principle in the Agricultural Holdings Act in every way in their power were now to withhold their opposition? In opposing measures of this sort they were fighting for the principle of freedom and liberty of contract. In the circumstances, however, he advised the withdrawal of the Amendment, with the view of renewing the opposition on the third reading, if the Bill had not been amended satisfactorily in Committee.

LORD HERSCHELL said, he thought that a good deal of loose language was used when legislation which was said to interfere with the freedom of contract was spoken of as introducing some principle unknown to the law of the land in former times. Any two persons were perfectly at liberty to come to terms and make any agreement they pleased; but the question was, what was the agreement the community would enforce? The Legislature determined that there were certain agreements which were opposed to public policy and expediency, and that the force and power of the community should not be used for the purpose of compelling obedience to them. That was a matter as old as the Common Law itself. He was afraid there was too much of a disposition in some quarters to raise this kind of interference with freedom of contract into a sort of fetish, as if it were a modern principle, unknown to the law in former times. It had always been the law, so far as he knew, that contracts which were contrary to what was called public policy could not be enforced by the State. In the case of the Agricultural Holdings Act there was a question of public policy or expediency, and in the present instance also it seemed to him that a question of expediency arose; and it was just as competent for Parliament as for the Courts of Justice to say whether, in their view, certain contracts were contrary to public policy.

THE UNDER SECRETARY OF STATE FOR THE COLONIES (The Earl of ONSLOW) said, that the Bill had his warmest and most hearty support. It was a perfect farce to increase the number of allotments in England if it were not insured to the labourers who rented the allotments that the fruits of their labour should not be arbitrarily taken away. As to the expediency of dealing with the question in more than one measure, the exigency of the case required it. The Bill before their Lordships had passed through the other House of Parliament before the Government Bill was introduced, and it would have been both improper and inconvenient to incorporate its provisions in the Bill of the Government.

THE EARL OF FEVERSHAM said, that the Bill before the House should be taken on its merits, and not because it was connected with any other Bill. He entirely agreed with the main objects of the measure before the House; but he doubted whether its provisions were well adapted to carry out those objects. The measure ought to harmonize as much as possible with the customs of the country. He agreed with very much which had fallen from the noble and learned Lord and the noble Duke.

LORD TOLLEMACHE said, he wished to associate himself with other landlords, and, like many of them, he had taken a great interest for many years in the allotment question. He had also, like other landlords, had a good deal of experience in allotments. With regard to the Bill now before the House, upon the the face of it he thought it was perfectly right and just; but he feared that practically it would have the effect of deterring many landlords from granting allotments. If allotments were granted, he had remarked that the voluntary principle answered a great deal the best.

But he had also felt, and avowed his opinion frequently, that there were certain cases in which compulsion was required. He also believed that if compulsory powers which could be easily carried out were contained in Acts of Parliament they would very seldom have to be exercised, because if landlords knew that if they did not give allotments they could be compelled to do so, there would be very few estates without abundance of allotments. Although he very much feared that this Bill would have the effect of deterring people from giving allotments, still, as the House was evidently in favour of the measure, and as probably his noble and learned Friend, if he divided, would be left in a very small minority, he hoped the Amendment would be withdrawn.

Amendment (by leave of the House) *withdrawn.*

Original Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

FIRST OFFENDERS BILL.—(No. 182.)

(*The Earl of Belmore.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to order).

Clause 6 (Act not to apply to Ireland).

THE EARL OF MILLTOWN, in moving to omit Clause 6, said, this was a humane measure which ought to apply to Ireland no less than to England. It had been said that Ireland had been excluded because certain Representatives of that country opposed its inclusion. As far as he could ascertain, however, the leading Followers of the hon. Member for the City of Cork viewed the measure with approval. The only reason which was given for the opposition of certain Members to the proposal to extend the Bill to Ireland was that they objected to any legislation for Ireland by the Imperial Parliament. As one who was ardently attached to the Union, and who looked upon it as the hope and salvation of Ireland, he urged their Lordships to disregard this reason. He held that it could not be countenanced for a moment.

Moved, "To leave out Clause 6."—(*The Earl of Milltown.*)

Lord Tollemache

LORD FITZGERALD said, that as to the subject-matter of the Bill the position of the countries was identical, and he also saw no reason why the provisions of the Bill should not be applied to Ireland.

THE EARL OF SELBORNE said, that in regard to this Bill he represented an absent Peer who had charge of it. He could not appreciate the reasons which induced the House of Commons to exclude Ireland from the Bill; but he could not take the responsibility of any change, in the present stage, which might possibly endanger its success.

LORD HERSCHELL said, that there did not exist in Ireland the same confidence in those who administered the law which happily existed in England, and it was thought that the power of nominating a person to whom the offender was from time to time to report himself would lead to hardships. He could not help thinking that that was what had led to the desire that Ireland should be excluded from the Bill. He did not put forward that argument himself, nor did he think it was well-founded, and the Bill in its earlier form was quite different from that which was now before the House.

THE LORD PRESIDENT OF THE COUNCIL (Viscount CRANBROOK) said, that at this late period of the Session the Amendments already introduced would endanger the Bill, and he saw no reason why the Amendment should not be added.

THE EARL OF MILLTOWN said, that if the Bill had retained its original form he should not have moved the Amendment.

Amendment *agreed to.*

Bill to be read 3ª *To-morrow;* and to be *printed* as amended. (No. 197.)

LICENSED PREMISES (EARLIER CLOSING) (SCOTLAND) BILL.—(No. 183.)

(*The Earl of Camperdown.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF WEMYSS said, he would appeal to the noble Earl (the Earl of Camperdown) to postpone the second reading of this Bill. The measure had passed through the House of Commons much more rapidly than was expected. There were many persons in Scotland who took a deep interest in the subject, and further time was desired for consideration of the measure. He, therefore, hoped his noble Friend would not press it to-day, but would consent to its postponement for a week.

LORD BRABOURNE said, he wished to join in the appeal, because there was a great deal of opposition to the Bill.

LORD BRAMWELL: Naturally!

THE EARL OF CAMPERDOWN said, the noble Lord (Lord Brabourne) had just stated the strongest argument he could against his acceding to the request that had been made. He admitted, however, that there had not been much time since the Bill was introduced into this House, and, in the circumstances, he did not think he would be justified in refusing to postpone it. He was bound to take into consideration the fact that the Bill had been supported by a very large proportion of the Scottish Representatives in the other House, only seven of whom had opposed it. He did not hold extreme views on this subject; but, at the same time, he thought their Lordships were bound to keep abreast of public opinion in the matter. He was perfectly ready to hear anything that might be advanced against the Bill between this and next Thursday, and, on that understanding, he was quite prepared to postpone the second reading until that day.

Second Reading (which stands appointed for this day) *put off* to *Thursday* next.

HIGH SHERIFFS.—RESOLUTION.

THE EARL OF CAMPERDOWN, in rising to move—

> "That, in the opinion of this House, it is unjust and also inexpedient to continue to compel individuals to discharge the duties and office of high sheriff at their own expense; and, further, that the reasons which formerly made it desirable that the high sheriff should be possessed of sufficient land within the county to answer to the Crown and to the people have now ceased to exist,"

said, the grievance was real and substantial; and he believed there was a general feeling in their Lordships' House in favour of his Motion. Considering the circumstances attending the possession of property in recent years it was high time that this subject was put before Parliament. Their Lordships were so fully acquainted with the duties of High Sheriffs that it was needless for him to enumerate them. The office was one of high antiquity, and used, at one time, to be of considerable value. At the present day there was not a single High Sheriff who, on being appointed to the office, knew what his duties were, or who, if he knew them, was competent to perform the greater part of them. Many of his duties were discharged, at the present time, by the Under Sheriff. The duties of a High Sheriff at the present day were practically limited to attending the Judges at the Assizes and presiding at elections of Members of Parliament. It might perhaps be considered by some persons that the duty of attending upon the Judges was a trivial matter, but he believed it was a duty which was especially burdensome. The cost to the Sheriff was seldom less than £400, and in one or two cases—as in the County of York—it had amounted to nearly £2,000. Again, if a Sheriff were so unlucky as to hold the office when a General Election took place, he had to incur considerable additional expense. Referring to the mode in which Sheriffs were selected, he expressed his belief that many of the excuses which were submitted were of the most sorrowful and mournful character. In his opinion, it was wrong that individuals should be called upon to make very unpleasant and minute statements with regard to their private affairs. In conclusion, the noble Earl formally moved his Resolution.

Moved to resolve—

> "That, in the opinion of this House, it is unjust and also inexpedient to continue to compel individuals to discharge the duties and office of high sheriff at their own expense; and, further, that the reasons which formerly made it desirable that the high sheriff should be possessed of sufficient land within the county to answer to the Crown and to the people have now ceased to exist."—(*The Earl of Camperdown.*)

THE PRESIDENT OF THE COUNCIL (Viscount CRANBROOK) said, it was very natural that the noble Earl should have brought this subject before their Lordships, who were disinterested spectators of those who served the office of High Sheriff in different parts of the country. No one could become cognizant of the excuses sent by gentlemen with respect to their property, their age, and the circumstances in which they were placed without being shocked by the fact that men should be driven to reveal all those circumstances in order to excuse themselves from a gratuitous office, and an onerous office, undertaken for the benefit of the public at large. At the same time it was a great office, and an office of great antiquity, and in some cases it was a coveted honour, and when hereditary in Westmorland. The Shrievalty was regarded as one of the chief dignities of the county. The honour then was not burdensome, as the population was small, and the duties light. But it was a different thing in other and specially neighbouring ones. Why, for instance, should a man be appointed against his will to be High Sheriff of Lancashire? He would have to conduct 29 elections, and would, in consequence, be put to great expense. Then he would have to attend the Judges, and it should be remembered that Assizes were now held much more frequently than in days gone by. In Yorkshire, again, the High Sheriff had to make arrangements for the elections in all the three Ridings. He did, however, not think it would be convenient in the then condition of their Lordships' House, so few Members being present, that they should vote the condemnation of the Shrievalty system which had existed since the reign of Edward II., and probably much earlier. He would therefore suggest that his noble Friend should at the beginning of next Session move for a Committee to inquire into the question of the Shrievalty of counties and all matters connected with it. His own Predecessor in Office (Earl Spencer) sent a circular, in 1882, to all the Sheriffs in the country asking confidentially for a return of the expense to which they were put. A large number made a return, though many neglected to do so, and from that return he could state generally how extremely burdensome this office was to some people. He thought, however, that of late years the excuses offered by persons placed on the list were fewer; and the reason of that was that the High Sheriff had in recent years been more careful to select those persons who were best able to serve. On the whole, he did not think that any more adequate means of selecting gentlemen connected with counties could be devised than that at present in vogue. The Sheriff sent his list to the Judges, and those lists were circulated when the three gentlemen were selected. Then the time came when the excuses were fairly considered, and, as far as he knew, in most instances where they were reasonable they were allowed. He ventured to suggest to his noble Friend that he should not now proceed to carry a Resolution so peremptory and decisive; but he felt so strongly that he had made out a case for investigation, that he thought it very desirable that there should be a Committee to take into consideration all the circumstances connected with the Shrievalty.

Lord BRAMWELL said, he was inclined to think that the expense was very much within the control of the Sheriffs themselves. They might perform the duties of the office expensively or not, as they thought fit. He thought it was extremely probable that the two most expensive counties were Lancashire and Yorkshire, and yet he was absolutely certain that the greatest regret would be felt in both those counties if this Resolution were carried into effect. For in those two counties there were numbers of wealthy persons desirous of the office; in fact, he doubted very much whether this Resolution, if carried, would not create greater displeasure than pleasure. He hoped their Lordships would remember that this was a most important office, in that the High Sheriff was responsible for carrying into effect the sentences of the Courts of Assize and had other most responsible duties to perform. More than that, he took precedence of the Lord Lieutenant and of everyone in the county, with the exception, of course, of Royalty and those who represented the Queen—the Judges—and that was very pleasing to the minds of many who filled the office. It was part of the Constitutional Law of this country that every man was bound to render service to the State according to his means and abilities—and gratuitously. Men must take upon themselves the office of constable, guardians of the poor, and jurors, and without payment; and why should gentlemen—men of property—not be called upon to render service to the Queen? He had, during his time on Circuit, met over 200 High Sheriffs, and he had always received the greatest kindness and courtesy from them. It perhaps might be thought that he had got some liking for High Sheriffs on account of the dignity they were supposed to add to the state of the Judges of Assize. For his part he owned, though he was in a minority among his brethren, that he did not think the dignity of Her Majesty's Judges was augmented by the attendance of the High Sheriff at the Assizes. With regard to this Motion there were two things which he desired to impress upon the House—first, that the expense and trouble to which High Sheriffs were put were not so great as was ordinarily supposed; and, secondly that the office of High Sheriff was in itself an object of desire and ambition to many persons, and that its gratuitous performance was in accordance with the ordinary law of the country, by which all individuals were bound to render certain services to the State without fee or reward.

THE LORD CHANCELLOR (Lord HALSBURY) was only anxious to say that if the question raised by the noble Earl was to be decided that night upon his Motion there was a great deal against it in the arguments of the noble and learned Lord who had just sat down. But as the question was to be referred to a Committee everything the noble and learned Lord had said was in aid of such an inquiry. It could not be denied that exceptional responsibilities had been laid upon those who were selected to serve the office of High Sheriff. We had multiplied the number of circuits and had greatly added to the number of elections in each county. Further, every Judge who went down to the country to try Election Petitions was received by the Sheriff with the same state as if he were on Assize. But in the same proportion as both the trouble and expense of the office had been increased had its dignity been diminished. They had withdrawn from the office of Sheriff a great deal that formerly constituted its dignity. He did not deny that there were many persons who still coveted the office; but when the noble and learned Lord justified the continuance of the office in its present form as being one of those services which every individual was bound to render gratuitously to the State, and referred to the office of constable as another example, he was bound to say that the illustration was a little unfortunate. The existence of the Metropolitan Police and of the police throughout the country was altogether inconsistent with adherence to the principle to which the noble and learned Lord had referred. If in these days they trusted the performance of the office of constable solely to those who were bound to perform it gratuitously he was afraid that the peace would not be well preserved. Modern times had caused changes to be made which went to affirm the proposition that an inquiry should be made into what were alleged to be serious grievances with regard to the performance of the office of Sheriff. He was of opinion that Sheriffs were not always the best informed as to what their expenses were; for instance, certain allowances were made from the Treasury, and it had been the custom for the Under Sheriffs to appropriate a certain amount of these emoluments as their perquisites. It would, he thought, be for the interest of High Sheriffs that they should inquire a little into these matters. In his opinion, the noble Earl had performed a good work by bringing this subject forward.

LORD HARLECH said, he fully concurred in what had been said as to the hardship of being compelled to serve this office. On one occasion he had the misfortune to be made High Sheriff in the year that a General Election took place. He was desirous of standing for his county, but through being returning officer and being unable to find anyone else to undertake the post he was unable to become a candidate.

LORD HERSCHELL said, that the proposal of the noble Viscount opposite was an exceedingly good one, and he thought would be extremely useful. Whatever view might be taken as to the expediency of retaining the office of Sheriff he could not think that there was any justification in principle for adding to its burdens. Owing to electoral changes the office of High Sheriff had become much more burdensome, and he did not see why the expense of changes which were thought desirable in the public interest should be thrown upon the High Sheriffs. Whatever view might be entertained as to the general question, great good would be done by an investigation into the present duties and burdens of the office.

THE EARL OF CAMPERDOWN said, that although no single fact or statement in the Resolution had been questioned in the slightest degree, yet, as the noble Viscount had expressed his determination, he should not divide the House upon the Motion. He must be content with the inquiry which the noble Lord offered, and with the conviction that his Resolution, although not passed, had met with the almost unanimous assent of the House. He begged leave to withdraw his Motion.

Motion (by leave of the House) *withdrawn.*

STATUTE LAW REVISION BILL. [H.L.]

A Bill for further promoting the revision of the Statute Law by repealing enactments which have ceased to be in force or have become unnecessary—Was *presented* by The Lord Chancellor; read 1ª. (No. 192.)

ESCHEAT (PROCEDURE) BILL. [H.L.]

A Bill for repealing certain enactments relating to escheators and the procedure in cases of escheat; and for regulating the procedure in such cases—Was *presented* by The Lord Chancellor; read 1ª. (No. 193.)

SECRETARY FOR SCOTLAND ACT (1885) AMENDMENT BILL. [H.L.]

A Bill to amend the Secretary for Scotland Act, 1885—Was *presented* by The Marquess of Lothian; read 1ª. (No. 194.)

TRINIDAD AND TOBAGO BILL. [H.L.]

A Bill to enable Her Majesty, by Order in Council, to unite the colonies of Trinidad and Tobago into one colony—Was *presented* by the Earl of Onslow; read 1ª. (No. 195.)

ADULTERATION BILL. [H.L.]

A Bill to amend the law relating to the sale of adulterated commodities—Was *presented* by The Earl of Wemyss; read 1ª. (No. 199.)

House adjourned at a quarter past Seven o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS

Thursday, 28*th July*, 1887.

MINUTES.]—New Member Sworn—Thomas Charles Baring, esquire, *for* City of London.

Private Bill (*by Order*)—*Considered as amended*—Dublin, Wicklow, and Wexford Railway (City of Dublin Junction Railways).

Public Bills — *Ordered* — *First Reading* — Mining Accidents Insurance (Scotland) * [343]; Post Office Savings Banks and Government Annuities * [344]; Metropolitan Board of Works (Money) * [345].

The Earl of Camperdown

Report of Select Committee — Stannaries Act (1869) Amendment [No. 215].

Committee — Irish Land Law [308] [*Fourth Night*]—R.P.

Committee — *Report* — Incumbents Resignation Act (1871) Amendment * [323].

PRIVATE BUSINESS.

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SHEFFIELD CORPORATION WATER BILL [*Lords*] (*by Order*).

CONSIDERATION.

Order for Consideration, as amended, read.

Question proposed, "That the Bill, as amended, be now considered."

The CHAIRMAN of COMMITTEES (Mr. Courtney) (Cornwall, Bodmin): In accordance with a Notice I have placed upon the Paper, I beg to move to leave out from the word "That," to the end of the Question, in order to add the words—

> "This House is of opinion that the allowance of a term of ninety years for the redemption of the said annuities is contrary to the spirit of Standing Order 173a of this House, but having regard to the special circumstances mentioned in the said Report, orders the Bill to be considered To-morrow."

I hope that I shall not find it necessary to trouble the House at any length on this matter; but it is one of some importance, and I do not think I should be discharging the duties of the Office I have the honour to fill if I refrained from calling the attention of the House to it. It will be in the recollection of the House that some years ago Standing Order 173a was passed, a portion of which I will read. It provides—

> "In the case of any Bill promoted by or conferring powers on a Municipal Corporation or Local Board, Improvement Commissioners, Town Commissioners, or other local authority or public body having powers of local government or rating, the Committee on the Bill shall consider the clauses of the Bill as to whether the Bill assigns a period for repayment of any loans under the Bill exceeding the term of sixty years, which term the Committee shall not allow in any case to be exceeded, or any period disproportionate to the duration of the works to be executed or other objects of the loan."

It is manifest, then, that when it is asked, in the case of a Bill promoted by any Corporation or Local Board, for borrowing powers for a period for the repayment of the loans authorized by the Bill which exceeds the term of 60 years, the Committee to whom the Bill is referred shall not in any case allow that term to be exceeded. The Bill now before the House is a Bill promoted by the Corporation of Sheffield, and one of the objects of the Bill is to take over a very considerable scheme of water works. The question was raised, on the consideration of the Bill by the Committee, whether its provisions came within the scope of this Standing Order, and the Committee apparently came to the conclusion that they did not. The Bill contains a provision for purchase of the existing water works from the Company, and the consideration to be paid for the water works is not confined to the payment of a lump sum of money down, but there is power to create certain annuities—annuities which represent, in fact, the dividend to be received by different classes of shareholders of the Company—and these annuities are to be assigned to the several shareholders. The Bill also contains a provision for the compulsory redemption of such annuities, after the lapse of a certain number of years, by the creation of a sinking fund to pay off the annuities. This sinking fund will be found to run for 90 years, and therefore the Bill is in conflict with the Standing Order which requires that no sinking fund shall run for a period beyond 60 years. I understand that it was impressed upon the Committee that there is a distinction between this case and that which the Standing Order is supposed to deal with, and the Committee, in their consideration of the Bill, ultimately conceded that contention, and decided that this application, on the part of the Sheffield Corporation to take over the Water Works Company was not one which came within the words or meaning of the Standing Order which requires that any loan must be repaid within a period of 60 years. No doubt it may be urged, with some force, that in this case the obligation is not a contract for a loan, but, in fact, an obligation of another nature, which is to remain due from the Corporation to the Water Company, and to stand over with respect of the undertaking purchased. The Committee came to the conclusion that if the Corporation had bought these works for a lump sum of money, and if they had gone into the market to raise that money, there must have been a provision for the repayment of the loan within a period of 60 years. But because they did not pay for the undertaking with a lump sum of money, but allowed the shareholders of the Company to receive annuities on account of which the undertaking is to be transferred, there was not, necessarily, an obligation created which should be discharged within 60 years. If hon. Members will refer to the discussion which took place when the Standing Order was adopted, it will be seen that it was stated by those who recommended the adoption of the Standing Order, that their object was this—that there should not be laid upon any Corporation an incumbrance in regard to any undertaking which should survive a period of 60 years—that in any undertaking sanctioned by the House there should be an obligation to pay off any loan contracted within 60 years, so that at the end of 60 years the Corporation should enjoy whatever it had purchased free from any kind of obligation or incumbrance in respect of it. One most honoured Member of this House, who has only recently passed to the other House—Mr. Sclater-Booth—introduced and strongly recommended the Standing Order, and upon his recommendation the term of 60 years was fixed. The hon. and learned Gentleman the Member for Dewsbury (Sir John Simon) raised an objection; but he stood entirely alone, and other hon. Members, among them my right hon. Friend the Member for Leeds (Sir Lyon Playfair), spoke strongly in favour of the limit of 60 years. The right hon. Member for Wolverhampton (Mr. Henry H. Fowler) made use of this language. He said that in reference to the objection taken by the hon. and learned Member for Dewsbury, he (Mr. Henry H. Fowler) certainly thought that 60 years was a period quite long enough for imposing a burden upon any community; and he pointed out that a rate of 1 per cent would be sufficient to provide for the paying off of any ordinary loan within 60 years, and therefore that there could be no justification for imposing a heavier burden upon ratepayers who wish to borrow money for sanitary or other public improvements. No doubt, in some instances as long a term as 100 years has been allowed; but such a period has been considered far too long, and in dealing with the spirit of the Standing Order it is certainly undesirable that the ratepayers of any

Municipality should be burdened in respect of any charge made for sanitary or other improvements for a lengthened period. It is admitted, in this clause, that if the undertaking had been purchased, and the money paid by a loan created for the purpose of discharging the purchase money, the transaction would have come within the letter and spirit of the Standing Order. But it is contended that because the money was not paid down in a lump sum, but is treated as an annuity, the promoters of the Bill are outside the Standing Order. Now, I submit to the House that it does not really make the slightest difference with respect to the principle of dealing with the Municipalities, and their incumbrances, whether the incumbrance is in the nature of a mortgage for unpaid purchase money, or in the nature of a mortgage adopted for the purpose of paying off a loan. It cannot matter whether the debt is to be accompanied by a provision to pay it off in full, or whether the persons who sell are to be paid off by annuities. The obligation in respect of the two cases must be the same, and if we adopt the argument which was put before the Committee we are left in the following absurd position. I have said that the shareholders are to be paid by annuities, but in regard to one class of the shareholders they have the option of taking the money instead of annuities, and it depends upon how these shareholders exercise their option—whether they are paid off at once, or by annuities. It depends, therefore, upon the exercise of this option whether the Standing Order applies or not. Now, I have thought that this is a matter which I could not pass over without drawing the attention of the House to the conclusion which the Committee has arrived at, but I do not wish to do more than draw the attention of the House to the matter. The Committee base their view of the question whether this transaction comes within the meaning of the Standing Order upon circumstances in regard to which, I am bound, with the greatest respect, to differ from them absolutely. I cannot conceive how they have been led to arrive at such a conclusion. But the Committee go on to point out that the works purchased are of a very large and permanent character, and that the Corporation ought not to be compelled to carry out works so much larger than are required for the present wants of the inhabitants without being allowed at least 90 years for the repayment of the purchase money. Now, this was a question which the Committee had power to examine into, but which we cannot examine into. I desire to pay all respect to the opinion of the Committee, and I will admit that the works are possibly greater than are absolutely required now, and that the Corporation are undertaking a larger supply than is necessary for the present wants of Sheffield. Possibly that may form a reason for allowing extended terms to the Corporation of Sheffield, and, therefore, I will not ask the House to reject the practical conclusion to which the Committee have arrived. But I think it is most desirable for the House to lay down, as clearly as it can, that the suggestion that this transaction is outside the scope and meaning of the Standing Order is one which ought not to be entertained for a moment. If it were allowed, the Standing Order could be put aside in almost every case. It would only be necessary for the purchaser to provide that the vendor shall not be paid in full, but shall have a mortgage on the undertaking, to get rid at once of the effect of the Standing Order. Then again, if the Corporation promoting new works, instead of paying the contractor in money, were to pay him in bonds, they would be able to get outside the Standing Order. I think it is most desirable to lay down clearly that these transactions, if not literally, are in spirit, contrary to the Standing Order, and I do not see how the House is to come to any other conclusion. Having called attention to the matter and entered this protest, having regard to the special circumstances of the case, the great extent of the water works in question, as proved before the Committee, and their excess over the present needs of Sheffield, I shall not ask the House to reject this part of the Bill. I beg to move the Resolution which stands in my name.

Amendment proposed,

To leave out from the word "That," to the end of the Question, in order to add the words, "This House is of opinion that the allowance of a term of ninety years for the redemption of the said annuities is contrary to the spirit of Standing Order 173A of this House, but, having regard to the special circumstances mentioned in the said Report, orders the Bill to be considered To-morrow."—(*Mr. Courtney.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL HAMILTON (Southwark, Rotherhithe): As a Member of the Committee, which was presided over by a right hon. Member of this House, I should like to say a few words in order to explain the reasons which induced the Committee to arrive at their decision. They had before them Standing Order 173A, and the conclusion they came to was that there was nothing to prevent the repayment of the money being extended beyond the term of 60 years. They were of opinion that the Standing Order does not contemplate the raising of money by annuities, and that they had also placed before them the fact that the purchase of the scheme would involve the acquisition of works that were greatly in excess of the requirements of Sheffield, and, furthermore, their attention was called to the terms and facilities with which other towns in the neighbourhood had been able to raise money. Take the case of Manchester. In that case the Corporation have been able to raise money to be repaid in 80 years, at a cost which imposes upon the ratepayers a rate of ¾*d.* in the pound; in Leeds, with a similar term of 80 years, a rate of ¾*d.* is imposed; in Wolverhampton, 75 years, at ½*d.* in the pound; and at Huddersfield, 110 years, at ¼*d.* in the pound. Had the Committee not given way, and consented to take a lenient view of the matter, the result would have been that the ratepayers of Sheffield would have been saddled with the charge of 2½*d.* in the pound for the redemption of this debt within a period of 60 years. As the Bill now stands, it is proposed that the sum requisite for the purchase of the works—namely, £489,000—should be paid off within 60 years, and treated as borrowed money to be paid off within that period. There are, however, further works which were not originally contemplated in the scheme of the Corporation, or in the scheme of the Water Works Company, and those works it was proposed to pay off by irredeemable annuities. In deference to the wishes of the Treasury, that proposal has now been brought down to that which is contained in the scheme now before the House—namely, the creation of annuities extending over a period of 90 years, and those annuities apply to £1,500,000, upon which the rate payable by the inhabitants of Sheffield, instead of being 2½*d.* in the pound, will be one of 1¼*d.* in the pound, and will even then be greatly in excess of what any other town in Yorkshire is at present required to pay. This, however, is due to the fact that Sheffield is saddled with works which are so much in excess of their requirements. It must, however, be borne in mind that these works are not ordinary water works, but that water is to be supplied under a scheme of gravitation of a very substantial nature without having to resort to pumping stations, so that, in all probability, the works themselves will be much more valuable 60 or 90 years hence than they are to-day. The question, therefore, arises why should the inhabitants of Sheffield be bound to pay such a rate to-day as will enable them to hand over these valuable works entirely free to their successors two generations hence. That is the view which induced the Committee to pass over this Standing Order, and to allow the repayment to be extended over a period of 90 years.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE) (Tower Hamlets, St. George's): My hon. and gallant Friend has given some reasons, no doubt, which are of some force as to why Sheffield should obtain some relaxation of the Standing Order which has been alluded to with reference to the period over which the repayment of the purchase money for these water works should be extended; but the hon. and gallant Gentleman has spoken of the scheme as though the Committee had no other option than to grant an extension of the time named in the Standing Order. Now, the point which the hon. Gentleman the Chairman of Ways and Means alluded to, and enforced with great strength, was that, if this money had been borrowed in the ordinary way, it would clearly have come within the Standing Order, and it would then have become impossible for the Committee to have departed from the provisions of the Standing Order. The Corporation of Sheffield, instead of raising money by loan to pay off the whole of the purchase money at once, proceeded to raise the money by means of annuities; and the Committee seem to have been under the impression that in that case they could depart from the terms of the Standing Order and give the Corporation a further period for repayment. Now, I entirely agree with every word the Chairman of Ways and Means has stated upon this matter. If the doctrine which has been established by the Committee in reference to this question were to be allowed to pass without record and without a protest in this House, it would, in my opinion, destroy the whole object Parliament has had in view in passing that Standing Order. It would enable any Corporation to come before a Committee of this House and justify the Committee in granting such an extension of time as would practically drive a coach and four through the Standing Order. My hon. and gallant Friend the Member for Rotherhithe (Colonel Hamilton) called attention to several instances in which a longer period than 60 years has been allowed to Public Bodies for the repayment of loans for works of one kind or another; but my hon. and gallant Friend omitted to say that in every one of those cases the extension was allowed before the passing of this Standing Order. Not one of the cases to which my hon. Friend alluded has been dealt with in this way since the passing of the Standing Order, and it was expressly in order to prevent such things being done in future that the Standing Order was passed. The House knows very well that on many occasions the indebtedness of Local Authorities has been brought before the House, and that it has been shown to be of the most serious character. It has undoubtedly grown up to a considerable extent owing to the long terms which have been allowed for the repayment of the money borrowed in connection with works of this kind. Previous to the passing of the Standing Order there was scarcely any limit imposed by a Committee of the House of Commons, and it was to prevent an accumulation of debt to be placed on the shoulders of future ratepayers rather than present ratepayers—it was to prevent that process from being continued that the Standing Order was passed. I am prepared, however, to admit that there are circumstances in connection with Sheffield which would make the burden a very onerous one if the limit of 60 years were adhered to; but I think the proper course for the Committee to take would have been to have reported the whole of the circumstances, and to have asked the House to enable them to depart from the Standing Order. If that course had been adopted, no harm would have been done; but I think great harm would result if the method adopted by the Committee were allowed to pass by this House without protest. I am certainly not prepared to do anything which would have the effect of throwing out the Bill or adding unduly to the burdens of the ratepayers of Sheffield; but I think the House is indebted to the Chairman of Ways and Means for having brought this evasion of the Standing Order before it. The hon. Gentleman now asks the House, in allowing the Bill to pass, to place on record its opinion that the mode of repayment proposed by this Bill is one which is contrary to the spirit of the Standing Order, and that it is perfectly immaterial, so far as the ratepayers are concerned or the Standing Order is concerned, whether the repayment is made in the shape of annuities or by means of money lent. I think the hon. Gentleman is right in taking that course, and therefore I entirely agree with the Resolution he has submitted to the House. I am sure the House will arrive at the same conclusion.

Mr. MUNDELLA (Sheffield, Brightside): I cannot complain of the remarks which have fallen from the right hon. Gentleman the President of the Local Government Board or from my hon. Friend the Chairman of Ways and Means. They seem to have taken a course which is only consistent with the official position they occupy—namely, to maintain and support the Standing Orders of the House. This Standing Order requires that a locality borrowing money should repay the money borrowed within a period of 60 years. I am, however, obliged to both of them for the acknowledgment they have made that there are special circumstances in this case which have practically justified the decision of the Committee. No Member of the House who has the least acquaintance with the circumstances could come to any other conclusion. The fact is, that the Corporation of Sheffield did not come to Parliament to purchase these water works until the proprietors—

ly, the Water Company, had thems come to Parliament for an exten- of their powers, which would in- the levying of an increased charge per cent in perpetuity on the rate- rs of the town of Sheffield. That elled the Corporation to take an rse movement against the Company. e has been no attempt, I can assure the Chairman of Committees and ight hon. Friend—there has been esign whatever to evade the Stand-)rders of this House on the part of Iunicipality. What has been done this—that when the Water Com- were in the other House of Par- ent overtures were made to the oration to purchase the works. The osal included a scheme of annuities a provision that the Corporation ld buy out with a lump sum the erence shareholders. I have only y, in justification of what has been , that the works are at the most of eding magnitude, and it was con- ed necessary that that should be so onsequence of a frightful accident h occurred 25 years ago through bursting of a reservoir, which en- d an expenditure of nearly £250,000 the Water Company, with a great ruction of property and loss of life. as since been resolved to construct stem of water works in Sheffield a gigantic scale, capable of sup- ng nearly double the present popu- n of the town, the cost being wn upon the next 60 years or upon generations. That, however, would involved a distinct rate of 2½*d.* to n the pound upon the town of Shef- . But having regard to the rates h are already paid there, and to the ession which exists in the heavy trades which are carried on there, ng also regard to the fact that some e large works are already paying £500 to £600 a-year in rates, and have to pay increased rates under Bill, it was considered that it was undesirable to impose such an in- sed burden upon the industry of the , which might divert the heavy trades from the interior to the t, as has already been the case to extent. Reference has been made her towns which have been allowed nger period for the repayment of s obtained for the purpose of carry- out sanitary and other public improvements before this Standing Order was passed in 1882 or 1883. What is the fact in respect of our neighbouring towns? I believe that Sheffield is the largest town in England which has not the control of its own water works. In the case of Huddersfield, the cost of the water works has been more than £2,000,000, and the Corporation have been allowed 110 years for the repayment of the money, the consequence of which is that the burden imposed upon the ratepayers only amounts to ¼*d.* in the pound per annum. Sheffield by this Bill consents to bring itself under a contribution of 1¼*d.* in the pound; whereas if the whole cost of the works is to be defrayed within 60 years a rate of 2½*d.* must be imposed, notwithstanding the fact that at the end of the 60 years the works will be quite as good, if not better, than they are now. It must be borne in mind that these are permanent works, which will be quite as good centuries hence as the Roman aqueducts constructed under Cæsar. The Corporation of Sheffield are not attempting to construct works which are not of absolute necessity. Unlike gas and other things, people must go on drinking water until the end of time; and I think it is unreasonable to throw the whole burden of the cost upon the present generation. As, however, the right hon. Gentleman opposite and the Chairman of Ways and Means only desire to observe the spirit of the Standing Order and do not propose to take any step which would really strike at the passing of the Bill and prevent it from coming into operation, and seeing that they have admitted the special circumstances which give Sheffield a claim upon the consideration of the Committee, I trust that the House will now allow the Bill to be considered, and will consent to its being read a third time.

The UNDER SECRETARY of STATE for the HOME DEPARTMENT (Mr. Stuart-Wortley) (Sheffield, Hallam): As one of the Representatives of Sheffield I thank the Chairman of Committees for the course he has taken, and I think I may be permitted to say, on behalf of my constituents, that we by no means dispute the contention involved in the Motion now before the House. We accept the terms of the hon. Gentleman's Motion with great gratitude, recognizing in them a desire to dispense in what is undoubtedly an exceptional case, with the terms of the Standing Order. In that sense we accept the hon. Gentleman's proposal, and I think the House may more readily accept it, when it is aware that it arises from circumstances peculiar to the individual case, and need not in any way fetter the future judgment of the House.

SIR HENRY JAMES (Bury, Lancashire): I only wish to say that my constituents are suffering grievously, both rich and poor, from the operation of the Standing Order. I therefore wish to express my dissent from the words of my hon. Friend, when he says that no precedent should be established from the action of the Committee. I think the Committee deserves great praise for the step they have taken. The operation of the Standing Order has already effected a considerable amount of evil in regard to the carrying out of sanitary works by imposing upon Municipalities unfair periods for the repayment of borrowed money. By the Standing Order you restrict the period for the repayment of money, and you make the present ratepayers pay out of their own pockets, not only for necessary works, but for works making provision for a much greater area than is now unprovided for. You not only in this case make the present ratepayers supply water works for future ratepayers, but for ratepayers who do not exist at all. The consequence is that every person after the 60 years imposed under the Standing Order will get his water free from the Corporation, or, at any rate, at a very much cheaper rate, and persons who are not ratepayers at all will have similar provision made for them. I look upon the Standing Order as of so harsh a nature that I am certain the time has come for repealing it. At present it is having the effect of checking the progress of sanitary works in every district, and it is casting an unnecessary burden upon the Municipalities. I shall not divide against the present Resolution, but I trust that when a fitting opportunity comes the matter will be reconsidered.

MR. BRADLAUGH (Northampton): I should not have said anything at all upon the matter but for the words which have fallen from the right hon. and learned Member for Bury (Sir Henry James). It seems to me that the disposition to increase local indebtedness is one which ought to be watched most carefully, especially in the neighbourhood of Sheffield. As the right hon. Gentleman the Member for Sheffield (Mr. Mundella) knows there is a district only a few miles outside Sheffield there which is entirely bankrupt, and utterly unable to fulfil its legal obligations. Under these circumstances, I think the House ought to be exceedingly careful how it consents to relax the powers it has armed itself with under the Standing Order. It is very easy, indeed, to contract debts, but not so easy to meet them, and there ought to be the strongest opposition on the part of the House to any proposal to extend the terms of repayment, or to relax the terms which have been imposed upon those who borrow in regard to the repayment of the loans they contract in every case the persons borrowing ought to feel sensible pressure in the method of repayment.

Question put, and *negatived.*

Words *added.*

Main Question, as amended, put.

Resolved, That this House is of opinion that the allowance of a term of ninety years for the redemption of the said annuities is contrary to the spirit of Standing Order 173A of this House, but, having regard to the special circumstances mentioned in the said Report, orders the Bill to be considered To-morrow.

DUBLIN, WICKLOW, AND WEXFORD RAILWAY (CITY OF DUBLIN JUNCTION RAILWAYS) BILL (*by Order*).

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill, as amended, be now considered."

MR. T. M. HEALY (Longford, N.): Before the House resolves to take this Bill into consideration, I wish, Mr. Speaker, to ask your decision on a point of Order—namely, whether it is in accordance with precedent that when a Vote of the House has been unanimously come to upon a particular point determining that a Bill should not be taken into consideration, it is in Order in consequence of some technicality to evade that decision, and within three days afterwards to re-thresh out the same subject. If that is a course in accordance with precedent it is one which may be repeated over and over again. I therefore ask whether it will be in Order to permit the present Motion to be put in view of the fact that the House practically came to a unanimous determination upon the matter last Monday?

MR. SPEAKER: It is quite true, as the hon. and learned Gentleman has stated, that the question which the House is now asked to consider was virtually decided the other evening; but technically the Motion that the Bill be now considered having been negatived, does not prevent the same Bill being brought on for consideration 24 hours afterwards. It is a technical point upon which I have no power to interfere, whatever I may think of the proceeding now taken to re-open the matter again. As a point of Order, it is not in my power to stop this proceeding.

Mr. T. M. HEALY: Then I will ask the Government to say whether, under these circumstances, they will consent to the time of the House being wasted, as it must necessarily be, in an acrimonious discussion which will probably last for several hours, and which is simply going over the same ground that was gone over on Monday, or whether they will not support a Motion for the adjournment of the consideration of the Bill for three months, or any other Motion that will kill the Bill?

LORD CLAUD HAMILTON (Liverpool, West Derby): In supporting the Motion that Standing Orders 223 and 243 be suspended, and that the Bill be now read a second time, I wish to call the attention of the House to the facts of the case.

MR. SPEAKER: We have not reached that Motion yet. The Question before the House is that the Bill be now considered.

MR. P. M'DONALD (Sligo, N.): I rise for the purpose of moving that this Bill be considered on this day three months. As has already been stated by my hon. and learned Friend the Member for North Longford, the Bill was debated at considerable length on Monday, and virtually and practically the sense of the House was expressed on that occasion in the unanimous rejection of the Bill. By a technicality, however, the promoters of the Bill are enabled, under the Rules of the House, to bring forward the measure again, and to require us to go over the same ground, and I am afraid that considerable time will be occupied unless the Government, in their wisdom, take what I believe would be the proper course for them to take, and cut the matter short by insisting that if we must go to a vote we should do so at once. I consider that it is totally unnecessary for me to travel over the arguments which I used on the last occasion; and, therefore, I shall simply confine myself to one or two observations, one of which is that, notwithstanding the unanimous expression of opinion on the part of the House on Monday evening, the promoters of the Bill have utilized the time which has elapsed since in getting up through the medium of the Lobby an amount of support which, in my opinion, is undeserving of the consideration of the House. I admit that there are some of my Friends sitting on these Benches who differ with me on that point. It is not, however, a Party Question which is now occupying the attention of the House; and, consequently, we are at perfect liberty to take different sides on the question, as no doubt we shall do on all other matters where we are not bound by Party ties. I shall say no more on this subject, but shall simply move that the Bill be taken into consideration on this day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Peter M'Donald.*)

Question proposed, "That the word 'now' stand part of the Question."

DR. KENNY (Cork, S.): I will ask the Government whether, considering the great waste of time which must take place if this Bill, which has already been discussed, is to be again considered, and the very important work delayed in which the House will be engaged in a very short time—whether they will not use their power to cut short the discussion. If not, we shall feel bound to enter into it at length, and certainly a very considerable waste of time must take place. I think it would be better to put an end to the discussion by taking a Division at once, without wasting further time in debate.

Lord CLAUD HAMILTON: I would also make an appeal to the Government, but in a different sense from the appeal that has been made by the hon. Member who has just sat down. This Bill came forward for consideration on Monday last, when there was, from circumstances to which it is not necessary to allude, a very thin House. Many of those who support the Bill were unaware that it was coming on, and through a misconception, my hon. Friend the Member for Belfast (Mr. Ewart), who is in charge of the Bill, failed to challenge a Division on that occasion. Therefore, those who are in favour of the Bill thought that they were justified in bringing it forward again on the earliest possible occasion, and I must apologize for taking a leading part in support of it, seeing that I am not an Irish Member. I do so, however, because I have for years taken a deep interest in the Irish mail contract. Many hon. Members will be aware that I took an active part in bringing about the rescinding of the contract with the London and North-Western Railway Company with regard to the Irish mails, and in procuring it for the Irish Mail Packet Company; and I hold that the measure now before the House is intimately connected with that great mail service. I should like to explain to the House that this is merely an enabling Bill to sanction a step for raising money to carry out the provisions of a Bill that was passed into an Act a few years ago. It is not a Bill to carry out a new scheme, but merely an enabling Bill for raising money to carry out a scheme which has already been sanctioned. As, however, that scheme itself has been challenged by several hon. Members from Ireland, I will, with the leave of the House, make one or two observations in explanation of the original Bill. The Bill of the Dublin, Wicklow, and Wexford Railway Company provides for the construction of a high level line of railway between Westland Row and the Amiens Street Station in Dublin. That Bill places the North of Dublin physically in connection with the railway system in the southern part of the city, and thereby confers an enormous boon upon the inhabitants of Dublin, both as regards the passage of goods and the conveyance of passengers. It places within the reach of the North of Dublin the whole of the well-known seaside district on the South-West, which is now almost inaccessible to them, and it will, if constructed, be in every respect for the benefit of the City of Dublin. It does more than that, however, because it places the Province of Ulster in railway connection with the Port of Kingstown, where the English and Irish mails twice a day are received and exported, and it also places the South of Ireland in direct physical connection with the same port of Kingstown, thereby bringing the whole of Ireland—North, East, West, and South—in connection with Kingstown. I know that it will be said by some hon. Members that another scheme which has been projected to form a junction running on to the Kingsbridge Station in Dublin will be preferable to this scheme; but I will point out that if that scheme is carried into effect, the Province of Ulster, which is the richest and most prosperous province in Ireland, will be altogether cut off from any physical connection with the Port of Kingstown. It is said that the City of Dublin is opposed to this scheme. Now, what are the true facts of the case? The Chamber of Commerce in Dublin, as nobody will deny, represents the true commercial interests of that City. [*Cries of* "No, no!" *from Irish Members.*] Then if the Chamber of Commerce does not represent the commerce of Dublin what does?

Mr. T. M. HEALY: It does not represent the commerce of Dublin; it only represents the Orangemen.

Lord CLAUD HAMILTON: It is always supposed that a Chamber of Commerce represents the commercial interests of the town in which it exists, but if the Chamber of Commerce does not represent the material commercial interests of Dublin, does the Press of Dublin afford any representation of the real feeling of the inhabitants of that City, because I find that the three leading morning papers in Dublin—*The Dublin Express*, *The Irish Times*, and *The Freeman's Journal*, as well as the two evening papers—*The Evening Mail* and *The Evening News*—all contain articles in favour of this scheme, and all of them condemn the action taken, no doubt in perfect good faith, by hon. Members the other night in opposing the scheme? Now, I want to point out to hon. Members who come from Ireland that this is not the time of day when we can afford to show any division of front in regard to this great mail service, which has been of such marked benefit, not only to Dublin, but to Ireland. Many hon. Members who now represent Irish constituencies have not long been in this House, and therefore may be unaware of what took place a few years ago in regard to this mail question. It was proposed by the Government of the day to give the conveyance of the Irish mails to the London and North-Western Railway Company, at any rate with regard to the passage across the Irish Channel. Well, what happened? In the first time in my experience—I wish the occasions were less rare—every person in Ireland, every Irish Representative in this House banded together in favour of the retention of the Irish mails in the hands of an Irish Company, having offices in Dublin and working from Dublin. When they presented such a unanimous front to the Imperial Parliament, the Imperial Parliament at once gave way and handed over to the City of Dublin Steam Packet Company, the Mail Packet Service. Do hon. Members suppose that if the people of Ireland ceased to show their interest in this subject, that when the contract comes up for revision, Parliament will again consent to act in this way? Do hon. Members suppose that if the Province of Ulster is to be excluded, and you persist in giving her no physical connection with Kingstown, you will induce the Representatives of Ulster to co-operate with the other Irish Representatives in securing the mail service for Dublin, or that you are likely to get a renewal of the contract? It is because I am desirous of doing all I can in favour of the continuance of the present mail service that I support the present Bill. If we pass this Bill, and enable the scheme which was passed three years ago to be carried out, the mails will be distributed from the capital of Ireland to every part of the country, and we shall have an unbroken front, and be able to act together in future as we have in the past. I am sorry to trespass so long upon the time of the House, but the matter is one of the highest importance to Ireland. Let me ask what is the opinion of Her Majesty's Government on the subject, as represented by the Post Office? The Postmaster General, speaking for the Government on the ground of utility and also of economy, has already expressed himself strongly in favour of the scheme. To anybody who knows Ireland, the reasons of the right hon. Gentleman are obvious. It is evident that if you make Amiens Street the Central Railway Station in Ireland for the distribution of the mails, there will be but one service from the post office, which is situated only half a-mile from Amiens Street, and from Amiens Street the American mails can be delivered without a break, and will reach all parts of Ireland much more quickly than they do now.

MR. T. M. HEALY: In what way?

LORD CLAUD HAMILTON: If the hon. and learned Member will allow me, I will explain. Connecting lines will be made between Westland Row and Amiens Street, and the train will proceed direct with the English passengers and mails from Kingstown to Amiens Street. From Amiens Street the mails and passengers will proceed direct by the Great Northern line to Ulster, while the mails intended for the Midland Great Western Railway will go down by a loop line, the other mails being conveyed to the Great Southern and Western Railway direct to the City of Cork and Queenstown. In that way there will be no loss of time whatever. The physical connection will be perfect, and all parts of Ireland will be united in one great mail system. I would ask hon. Members to look at this question from a broad point of view, and let us pass this enabling measure, which is no new measure, but only a Bill to give effect to an Act of Parliament which has already been passed, and in regard to which I have shown the House that the results would be of a most satisfactory nature.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): Having been appealed to by the hon. Gentleman opposite, I wish to say that any assistance I can give to bring this discussion to a close I shall be exceedingly glad to give.

MR. SEXTON (Belfast, W): What view do the Government take of the Bill?

MR. W. H. SMITH: The hon. Gentleman must be well aware that the Government have no control over Private Bill legislation; that it is in the power of hon. Members to discuss all questions relating to Private Bill legislation, and that there is no power on the part of the Government to prevent them from doing so; but I trust that under the peculiar circumstances of the case, the House will be content with one speech in reply to the speech of the noble Lord behind me, and then will consent to divide. [*Cries of* "No, no!"] Hon. Gentlemen say "No, no!"

Mr. T. M. HEALY: We wish to know what side of the Government intend to take?

Mr. W. H. SMITH: My only anxiety is to arrive at the consideration of the much more important measure which stands on the Paper with as little delay as possible, and I appeal to hon. Members in perfect good faith to assist the House in doing so. I know the importance of this particular measure, and I desire that the opinion of the House should be expressed upon it; but after the debate which took place on Monday last, I think the House is in possession of sufficient information to enable it to arrive at a decision at once. It seems to me that the speech of the noble Lord ought to be replied to; but that there is no necessity for a prolongation of the debate, either in the interests of hon. Gentlemen opposite, or of the whole House.

Sir JOSEPH M'KENNA (Monaghan, S.): The noble Lord the Member for Liverpool (Lord Claud Hamilton), in support of the Motion that the Bill should be now considered, referred to his own experience as a Member of this House. Now, not only in regard to length of service, but also in respect of knowledge of Ireland, I think I have as strong a claim as the noble Lord to be heard. As to the motives of hon. Members who support the Bill, I have no doubt that they are of the highest order, and I will say nothing in regard to the assertion that the newspapers of Dublin are in favour of this arrangement. I will say nothing, except that it would be an unfortunate thing if we were to discuss the questions that come before us mainly upon the ground that they are supported by such and such newspapers, instead of inquiring into the merits of the case ourselves. This Bill relates to an Act of Parliament which has already been passed, and that has been assigned us a reason why we should pass the present Bill. What I would now ask is, why is this Bill before the House? Is it because those in charge have thought so little about the measure, knowing that it is strongly opposed by the inhabitants of Dublin, that they have not thought it worth their while to go on with the Bill already passed, but have allowed the powers which they obtained some three years ago to lapse? Although the question has come upon me somewhat by surprise, I do not think that I am in the slightest degree misstating the facts of the case. If, however, the Act has lapsed in respect of its most important powers, what is the reason which induces the promoters to come forward again now? They are coming forward, as a matter of fact, simply for the purpose of killing another Bill. [*Cries of* "Oh!"] Well, I go no further than to say that that is my opinion, and I would appeal to my experience in Ireland, my experiences in this House, and the experience of hon. Members opposite in regard to the course I have taken upon any public question which has been brought before Parliament, to say whether I have ever attempted to censure the conduct of individuals lightly. I may add that I have no interest, even to the extent of one shilling, in this Bill, nor in the other competing Bill which has already passed all but its last stages in both House of Parliament; but I do maintain that that Bill is a much preferable measure to this by which the Dublin, Wicklow, and Wexford Company are now attempting to revive the discarded Act. In the first place, the Act which they are attempting to revive I assert would create a great eyesore in the City of Dublin. It proposes to carry a railway by means of bridges across the River Liffey, between Carlisle Bridge and the Custom House of Dublin, a building of which we are very proud. Moreover, I challenge any engineering authority acquainted with the subject to show that the line which has already been sanctioned by Parliament, and by means of which it is proposed to unite the Great Northern Railway System of Ireland with the Kingstown and Dublin Line, will lessen the journey within half-an-hour so much as the time that will be saved by another line also before this House, which proposes to connect the Great Southern and

Western System with the Kingstown and Dublin Line. That Bill creates no eyesore, but it provides a new service, which will be of extreme value to the people of Dublin and to the people of the surrounding district, and it will extend for about five or six miles, from Booterstown to Inchicore. I would ask hon. Members who can know very little about the merits of the case to place some confidence in the opinion of Members from Ireland who really do know something about it. I have travelled, at one time or another, in all 100,000 miles over the Great Southern and Western and the Dublin and Kingstown Railways, and therefore I know every inch of the ground, and the direction it is proposed to take from Westland Row by Booterstown; and, as a man of the world, it appears to me that the connections it is intended to form by means of the Great Southern and Western Bill is infinitely the better one, and would be more economical, and more for the interests of the people of Dublin, than that which is now attempted to be carried out.

Colonel SAUNDERSON (Armagh, N.): This is a very important measure, and I am sorry to interpose between the House and the hon. Member for the City of Cork (Mr. Maurice Healy) and the hon. and learned Member for North Longford (Mr. T. M. Healy).

Mr. T. M. HEALY: I did not get up to speak at all.

Colonel SAUNDERSON: Probably the hon. and learned Member will have the opportunity of making 40 or 50 speeches later on in the evening, and my rising now will afford him a little breathing time.

Mr. T. M. HEALY: As a point of Order, may I ask, Mr. Speaker, whether, upon an occasion when I did not rise at all in any way to attract the attention of the House, it is regular for the hon. and gallant Gentleman to taunt me, as a reason why he should be allowed to speak, with intentions to make 40 or 50 speeches later on in the evening?

Mr. SPEAKER: I hope the hon. and gallant Gentleman will not insist upon any imputation of that kind.

Mr. MAURICE HEALY (Cork): The hon. and gallant Gentleman also referred to me. I also say that I did not rise at all, nor have I any intention of speaking on the Bill.

Colonel SAUNDERSON: I did not intend to cast any taunt or imputation upon the hon. and learned Member for North Longford. Perhaps the two hon. Gentlemen only intend to make 30 speeches between them. [*Cries of* "Order!" *and* "Withdraw!"] This Bill is of great importance to the locality from which I come, as it is sought to connect Kingstown and Belfast with it by means of the Great Northern Line, and to connect Belfast with Cork by the Great Southern and Western Line. That would be of immense advantage to the whole of Ireland; and I trust that the House will not treat such a proposal lightly. I was happy to hear that the Press of Ireland is strongly supporting the measure. The line which this Company proposes to make is only some two miles longer than that which is proposed to be made by the Great Southern and Western Company; and it would have this great advantage, that it would connect the whole of Ireland. I therefore hope that in any decision at which the House may arrive they will take into account the fact that all parts of Ireland should receive justice. I know that there are many inhabitants of Dublin and many Nationalist Members who oppose the Bill on æsthetic grounds. They believe that it will quite spoil the look of the Liffey.

Mr. T. M. HEALY: Perhaps the Boyne.

Colonel SAUNDERSON: Well, at any rate, the Boyne is a better river than the Liffey. The Liffey, at the present moment, is a standing reproach to the resources of modern civilization. It is the main sewer of the town, and nobody who has any respect for himself would ever think of remaining on Carlisle Bridge in order to see what view he could get of the Custom House. He would be likely to be too much occupied, during the time he was on the bridge, with holding his nose to be able to make much use of his eyes. There is one matter which I wish to point out, and that is that the Company are bound by one of the clauses of the Bill to erect a bridge of a most handsome and ornamental description; and I have no doubt that before the final plans for this bridge are decided upon they will be submitted to the Corporation of Dublin, and as the taste of the hon. Member for West Belfast (Mr. Sexton), who will be Lord

Mayor, is well known, I have no doubt he will be able to see that the bridge, when erected, will remain a standing testimony of the æsthetic capabilities of Irish Nationality. I do ask the House to pass the Bill, which I believe will confer the greatest possible advantage upon the whole of Ireland. In regard to the money, all that is wanted to complete the subscription is a sum of £50,000. Promises have already been received to the extent of £50,000; and if the Bill is passed, there is every guarantee that the Company will at once proceed to carry out the scheme authorized by it. That scheme would have been carried out long ago if it had not been for the fact that the Great Midland Company and the Great Southern Company withdrew from their share of the guarantee. If this Bill is passed, I believe that the line will be completed in the course of a year and a-half.

Mr. DWYER GRAY (Dublin, St. Stephen's Green): I do not propose to occupy the time of the House at any length; but after listening to the speech of the hon. and gallant Gentleman I think the promoters of the Bill will be ready to exclaim—"Save us from our friends!" Probably, if the physique of the hon. and gallant Member would allow him, he would be quite ready to make 40 or 50 speeches on any occasion; but it is quite certain that he would not make one of them without endeavouring to cram them with little jokes, and say something that was likely to be offensive to someone. Notwithstanding the irritating remarks of the hon. and gallant Gentleman, I must ask the House to allow this Bill to pass. I fully acknowledge the inconvenience of discussing a question twice over. I was not present when the Bill was discussed on the previous occasion, and it appears to me that those who were interested in supporting it by argument were by some accident or other not in the House at the time. I would submit that the opposition to the Bill is not only unfair, but unwise. It is unfair because this Bill is merely a financial measure. The merits of the question whether this loop line should or should not be sanctioned by Parliament was decided three years ago. It was only because two of the Railway Companies who originally gave in their adhesion to the scheme, and were willing to join in the guarantee for the carrying out of the scheme which was necessary for the purpose of raising the funds, have since receded from the undertaking they entered into at that time, the remaining Company who desire to carry on the scheme are obliged to come to Parliament for further financial powers. I think, therefore, it is unfair to get up an opposition to the principle of the scheme itself upon this Bill, which simply deals with finance. Indeed, I think that if we follow the spirit of our Standing Orders, it is only the question of finance which should be discussed upon a Financial Bill. As, however, the merits of the scheme have been gone into, I submit that the arguments in favour of allowing the Bill to pass are irresistible. I altogether deny that the Bill has been brought forward now because it is desired to kill a competing Bill which is also on the Notice Paper. I know, as a matter of fact, that this Bill is the result of long negotiations extending at least over 12 months, entered into between three or four public bodies, for the purpose of endeavouring to get over the difficulties occasioned by two of the Railway Companies originally concerned receding from their guarantee. I also deny that this is to be treated as a competing scheme. One of the promoters of the Great Western and Southern Bill said to me, no longer ago than yesterday, that whether the present Bill was passed or not they intended to go on with their Bill. There is nothing whatever to prevent both of the lines connecting the Kingstown Railway with the Southern Railway on the South, and the loop line connecting all the Railways of Dublin with the North, being carried out. It has been urged against this Bill that it would disfigure one of the great buildings of the City of Dublin. Now, I fully acknowledge that that is an objection, and if it could have been possible by defeating this Bill to secure a railway connection between the different railways having termini in Dublin without that objection I should only have been too delighted; but that is utterly impracticable. It is not a fact that there is no obstacle to running the line on the other side of the Custom House, where there would be no disfigurement so far as the view from the O'Connell Bridge is concerned, nor is it the fact that the only objection is the opposition of the Port and Docks Board, although, no doubt, the opposition of the Port and Docks Board would probably be fatal to any such scheme. But that is not the sole or the main objection to the running of the line on the other side. If the line were constructed on the other side it would come on the wrong side of the Great Northern Railway. The Great Northern Railway Company have said all through that they will not permit a connection with their line on that side, because it would involve the coming in of two sets of trains from opposite directions. They maintain that the line must be a continuous one, and that there shall be no risk either of stopping traffic or of bringing about a serious accident. That is an insuperable difficulty to the proposal for carrying the railway by means of a bridge on the other side of the Custom House, because that would necessitate the line itself being brought in on the wrong side of the Great Northern Railway. I am, therefore, in favour of this scheme as the only scheme which will bring that railway system into proper connection with the other lines running from Dublin. I cannot comprehend how my hon. Friends, who are so deeply interested in the welfare of Ireland, fail to recognize the danger which faces them if they decide upon the rejection of this scheme. I think, if there is any doubt on the subject, the remarks which were made by the Postmaster General on Monday ought to have satisfied them. Speaking in his official capacity, he put it with perfect plainness that there is imminent danger of the existing mail service being discontinued, if a connection between the railways having their termini in Dublin is not established. And here, I think, we are able to find the real secret of the reluctance of the Great Southern and Western Railway Company to accept this scheme, and the intrigues in which they have been made the tool in order to defeat any scheme for the complete connection of the railway systems in Dublin. Two or three years ago a proposal was defeated which would have handed over the Irish Mail Service from the Dublin Steam Packet Company to the London and North-Western Railway Company. The contract which was afterwards entered into has now only six years to run, and I need not remind hon. Members that the Chairman of the London and North-Western Railway Company has a long sight, and is able to look over a long distance. Now, if it was stated two years ago that Dublin and all the other railway systems would soon be connected, and if it is the fact that the assurance then given has not been carried out, that fact alone may be converted into a strong argument in favour of entering into a new contract in favour of the London and North-Western Railway Company, and their intention to carry the mails direct to Dublin, instead of to Kingstown, would be simply irresistible. There can be no doubt that the Directors of the Great Southern and Western Railway Company are enormously influenced by the London and North-Western Company of England. Why that should be so I do not know, and, without intending to say anything offensive, I must say that I believe the Great Southern and Western Railway Company are the mere "cat's-paws" of the London and North-Western Company. If this Bill is defeated, there will be an almost irresistible argument in favour of the London and North-Western Railway Company, and it will be used as a strong weapon in favour of the scheme which was defeated a year or two ago. There would also be the danger of diverting a portion of the mails from Dublin to Stranraer and Larne; and there can be no question that, except in regard to the connection with Kingsbridge and the South, this loop line is the only practical line for the regular conveyance of the mails. No doubt, the other scheme would make the line two miles shorter between Cork and Kingstown than the proposal now before the House; but it would shut out the North altogether. There is a strong feeling in the North of Ireland in favour of this Bill; and if it is defeated through the exertions of the Irish Members, whether rightly or wrongly, an impression will be created that the Irish Members generally have no interest in the prosperity of that part of the country. My opinion is, that whatever connection the House is inclined to adopt, it should be a comprehensive scheme for the advantage of the North of Ireland as well as of the South. That, I think, is the proper position for every Irish Member to take. The idea that the Irish Members, as a body, are antagonistic to the interests of the North of Ireland, is an idea which I take the liberty of repudiating, although there are a great many persons beside the hon. and gallant Member for North Armagh (Colonel Saunderson) who make that suggestion, and a good many persons in the North who believe it with regard to the question of convenience. The difference between the two Bills is this. There is now a practical certainty that the money for this scheme will be found. Three responsible Railway Companies have entered into a combination by which they have bound themselves to guarantee £9,000 a-year each, representing, at 4 per cent, a capital of £225,000. A citizen of Dublin, Sir Edward Guinness, has undertaken to subscribe £50,000, and there is a guarantee from the Steamship Company to subscribe another £50,000. If the other Bill is carried to a Division I shall vote in favour of it; but it is, at any rate, doubtful whether the money for that scheme will ever be found; we have no kind of assurance, and the prospectus which has been issued by the Company simply states that under certain conditions the Great Southern and Western Railway will provide £100,000. I challenge any supporter of that scheme to say that there is a certainty of the money being subscribed. I have been told, on good authority, that the Great Southern and Western Railway Company have written to the promoters of the Bill, stating that the representations contained in the prospectus are untrue and repudiating them. What they say is that their guarantee goes to this extent only—that if a certain sum of money is subscribed they will also subscribe; but that is a very different thing from giving a guarantee for the subscription of the whole of the capital; and the difficulty of raising the money may be found to be very great. We are, therefore, placed in this position. There is a scheme before Parliament which was passed three years ago, the only opposition to which is an æsthetic one against the disfigurement of an important public building. If, however, the scheme is carried out, all the railway services from Dublin will be provided for in the North as well as in the South, and the money which is necessary to carry it out, to the extent of £300,000, will be available at once. If we are going now to defeat that scheme, and to endanger the carrying out of those works, the carriage of the American mails to Queenstown, now contracted for by the Mail Packet Company, for which we fought so hard two years ago, will be endangered, and solely because there is another Bill before the House which may or may not be carried out, and which will only do one-third of the work which the present Bill proposes to do. I would entreat all my hon. Friends who have not made up their minds to think once or twice before they record their votes against this Bill. I firmly believe that if they do vote against it they may discover, when it is too late, how great an injury they have done to the interests of Ireland.

Mr. R. W. DUFF (Banffshire): As I was Chairman of the Committee which considered the alternative scheme promoted by the Kingstown and Kingsbridge Railway Company, I hope I may be allowed to say a few words. The point which has been raised here was brought before that Committee, and there can be no doubt that, if the Bill now before the House is accepted, it will practically kill the Bill which has been passed, and upset the decision of the Committee. I am not going to enter into all the points which have been mentioned by the noble Lord the Member for Liverpool (Lord Claud Hamilton); but I may mention one of them, in regard to the Post Office. We had evidence in reference to the Post Office arrangements, and that evidence went to show that the proposed Kingstown and Kingsbridge line would afford a saving of half-an-hour in point of time. At present the mails have to be driven across Dublin, and the alternative scheme will afford a much more rapid means of communication.

Lord CLAUD HAMILTON: What are the mails which the hon. Gentleman refers to? There are also the Canadian mails to Londonderry.

Mr. R. W. DUFF: I refer to the mails to America. The great bulk of the mails from London are carried by the London and North-Western Railway Company. They arrive at Kingstown, and on reaching Dublin have, by previous arrangement, to be taken in cars across Dublin. If this line is constructed they will be taken straight on to Cork. The line which it is proposed to construct under this Bill had more than three years to comply with the provisions of the Act of Parliament; but the Company have never been able to raise the capital to enable them to construct their line. What I say is that if you pass this Bill you will practically upset the decision of the Committee on the Kingstown and Kingsbridge line, and that you will kill a project which this House has already sanctioned. The hon. Member for the St. Stephen's Green Division of Dublin (Mr. Gray) says that this is only to substitute one Company for another; but I maintain that, under the provisions of this Bill, Parliament is called upon to give entirely new financial powers, and powers which ought not to be granted without going into all the points which have been raised. I maintain that if the House consents to pass this Bill, they will practically upset the decision arrived at by a Committee after six days' careful investigation.

MR. MURPHY (Dublin, St Patrick's): The hon. Gentleman who has just spoken says that if we pass the present Bill we shall be upsetting the decision of his Committee. He forgets that if we reject that Bill we should be upsetting the decision of a previous Committee, who passed the Bill giving powers for the construction of this line. The Bill now before the House does not propose, as far as I can see, to extend the time for the purchase of land, or for the execution of the works contained in that Bill; and, therefore, so far as the Company are concerned, they are not at present seeking to extend their powers for the purchase of land, or for the construction of this railway in any respect. Personally, I am quite satisfied of the *bona fides* of the promoters of this undertaking; and anybody who has followed the negotiations which took place for some time after the passing of the original Bill for making this loop line will know that the failure of the Great Southern and Western Company to adhere to their portion of the guarantee, and the difficulty of substituting any other guarantee for that of the Great Southern and Western Company, has been the cause of all the difficulty, and has caused the necessity for the present Bill. I have no doubt of the *bona fides* of the promoters of the Bill, and I am convinced that if they obtain the present measure their scheme will be carried out. The only tangible opposition I have heard to this scheme is the disfigurement which it may occasion to a particular portion of the City of Dublin. I fully admit that it will be, to a certain extent, a disfigurement to the city. But, although I have given all possible weight to that argument, I do think that the anticipated disfigurement is a good deal exaggerated in people's minds. The Corporation themselves, when they were opposing the Loop Line Bill, erected a structure made of wood in the position in which this railway bridge will be placed. It was put up in order to enable the citizens of Dublin to judge what the effect would be in regard to the architectural beauty of the Custom House and Beresford Place. Now, I saw that wooden structure, and I must say that the effect it produced on my mind was altogether contrary to that which the Corporation of Dublin intended or expected it to produce. It is solely in consequence of the failure of one or two of the proposed guaranteeing Companies to carry out the promises they originally made that this Bill has been rendered necessary for the purpose of recasting the capital powers of the first Act. I think the House ought to allow the Bill to proceed. I do not say this in any spirit of opposition to the other scheme; on the contrary, I should like to see both of them passed, and I do not think that if the House consents to the present Bill there will be any great danger of defeating the scheme of the Kingstown and Kingsbridge Company. I have no doubt that that Company will carry the American mails, and there can be nothing else for the two lines to compete for except the conveyance of the mails.

MR. T. M. HEALY: The First Lord of the Treasury has made an appeal to this side of the House, and I venture to make an appeal to him in return. We have heard a good deal about the dignity of the House of Commons and the desirability of carrying on its Business in an orderly manner. On Monday last the right hon. and gallant Gentleman the Parliamentary Under Secretary for Ireland stated that the opposition to this Bill would have the support of the Government.

MR. W. H. SMITH: No. What my right hon. and gallant Friend said was that he spoke in his individual capacity. In regard to Private Bills the present Government follow the invariable rule of being neutral in their attitude. [MR. W. E. GLADSTONE: Hear, hear!]

MR. T. M. HEALY: I regret that I said the right hon. Gentleman expressed the views of the Government. I should have said that he expressed his own views. The point, however, which I desire to put to the First Lord of the Treasury is this—whether, in view of the orderly and decent character of the proceedings of the House of Commons, he will permit a precedent to be established which will be absolutely fatal to the orderly conduct of Private Business in future? If the promoters of a Bill, which has been practically rejected by the House on Monday, come back on Thursday and re-entangle the House of Commons in a fresh series of discussions, I am afraid we shall have invented a machinery of obstruction which has never hitherto been adopted by the most extreme Obstructionists. It is from that point of view I desire to address the Government, and to ask them whether, being Conservators of the dignity of the House, when the House has come to a unanimous decision on Monday, and Members have not even ventured to challenge that decision, such having been the effect produced by the speech of the Parliamentary Under Secretary for Ireland—whether we are now to be allowed, owing to a system of canvassing which has been conducted in the Lobby, together with private pressure and secret understanding, or, to use the word mentioned by my hon. Friend the Member for the St. Stephen's Green Division of Dublin (Mr. Gray) of intrigue—to induce the House to reverse a decision which was unanimously come to on Monday? If such a course is taken, what will be the position of the Government, and what will be thought of them outside this House? We hear a great deal about Irish obstruction, and now we have this spectacle — that a Member of the Government in opposition to the Bill induces the House by the force of his eloquence and his arguments to reject a particular scheme on Monday; and yet the promoters of Private Bill legislation are able to take advantage of a technical point to involve the House in a further discussion on Thursday. If that is to be the course which is to be pursued in future, then good-bye to your orderly conduct of the Private Business of the House of Commons, seeing that it will hand over the future procedure of the House in regard to Private Bill legislation to a course of canvassing in the Lobby. I will ask the Chairman of Ways and Means if there is any precedent whatever for the present proceeding? I challenge any hon. Member to show a precedent. It is an attempt to focus the House of Commons by a system of private pressure brought to bear upon hon. Members in the Lobby. I have listened with great attention to the speeches which have been delivered in the course of this debate, and I quite agree with the view expressed by the hon. Gentleman the Member for Banff (Mr. R. W. Duff) when he said that if this Bill is adopted it will wreck the other scheme, which has practically received the sanction of Parliament this Session. Why did not my hon. Friend the Member for the St. Patrick's Division of Dublin (Mr. Murphy), whose name is on the back of the Bill, come forward directly as one of its promoters?

Mr. MURPHY: I hope my hon. and learned Friend will allow me to explain that although my name appears on the back of the Bill I have no personal interest in it, either directly or indirectly.

Mr. T. M. HEALY: Certainly the name of my hon. Friend appears on the back of the Bill.

Mr. MURPHY: That is quite true, as I approve of the Bill; but I am not a promoter in the sense of having any pecuniary interest in it whatever, or in the sense in which the word "promoter" is generally understood.

Mr. T. M. HEALY: Of course, I accept the disclaimer of my hon. Friend that he has no connection with the Bill except that his name is on the back of it. If he had been in a different position I should have asked him to explain why, during the three years the Company were promoting this Bill and had power to make the line, they permitted that power to lie dormant, and why they waited until a rival scheme had passed unanimously through this House before they took any steps to carry out their own project? The conduct of the promoters reminds me of a certain animal which, having been hybernated for a certain period, suddenly springs into life in order to cut the throat of something else. It is quite evident that only one of these two schemes can succeed. No goods traffic will pass along this line, and therefore the success of the scheme must rest on the passenger traffic; and I would ask what persons would be likely to put their money into the scheme? I fully admit that the noble Lord the Member for Liverpool did us good service on the question of the Irish packets two years ago, and I am grateful to him for his powerful intervention on that occasion. I did not know, until the hon. and gallant Gentleman the Member for North Armagh rose to make his speech, that it was possible to introduce politics into this matter. I found out, however, that it was quite possible to do so. But I would ask if it is not the fact that if this scheme is carried into effect, so steep and precipitous would be the incline that would be necessary to connect the line with the Great Southern and Western Railway and the South of Ireland that the Great Southern and Western Railway had good reason for hesitating before joining in a project that would be practically useless to them? What would be the case if we were to have English gentlemen taking advantage of this line—presuming it to be ever made—as tourists? [*A laugh.*] Certainly, there would be tourists who would be anxious to go South; but if they found they had a dangerous line to travel over it is not impossible that they might be deterred. One single railway accident to a tourist would be disastrous to the entire passenger traffic that goes to the South of Ireland. Hon. Gentlemen opposite profess to be greatly interested in the mail question; but I cannot see how the question can affect the mail traffic in any way. The American mails will not go to the North of Ireland, but they will go South, in order to reach Queenstown, and I cannot conceive how it can be supposed that the American mail traffic wants to go over the Liffey. If the promoters of the Bill wished to make their scheme of three years ago acceptable to the public, they would have laid it out so that a bridge would have gone east instead of west of the Custom House. The citizens of Dublin would have welcomed a bridge in that direction; but the promoters of this line seem determined to force this scheme down the throats of the people of Dublin, whether they like it or not. I would appeal to English Members to come to a decision upon the matter without reference to Party considerations. I would ask them to remember that a Select Committee upstairs have passed a rival scheme on the distinct understanding that the present scheme was dead. This scheme has only got fresh vigour because a rival scheme has been projected. It was practically dead, and it is now presented to the House in a dog-in-the-manger sense, because it wants to kill another Bill. In my judgment the Bill now before the House is an attempt to kill an honest endeavour on the part of those who have been doing their best to promote the carriage of the American mails to Queenstown, and to keep up the service to Dublin.

THE LORD MAYOR OF DUBLIN (Mr. T. D. SULLIVAN) (Dublin, College Green): I feel bound to say a word or two upon this question as representing the Corporation of Dublin, and also as representing the citizens of Dublin in a double capacity, being one of the Members of Parliament for that city. My hon. Friend the Member for the St. Stephen's Green Division has quoted in his speech some remarks which were made by the Postmaster General on Monday, as if they told in favour of the loop line, and as if they did not tell in favour of the other scheme. Now, what the Postmaster General was anxious to secure was not this particular scheme, but some connection between the Great Southern and Western line and the Kingstown line; and, inasmuch as the Kingsbridge Junction would fulfil that purpose, then I maintain that the quotation of the hon. Member from the Postmaster General is of no account whatever. When the question of the Kingsbridge Junction was before the Select Committee certain Government officials were examined. They distinctly gave their preference to the Kingsbridge line as more convenient for their purposes from a military point of view. If I recollect rightly a military gentleman was examined, who favoured very strongly the Kingsbridge Junction. The Postmaster General has also expressed himself satisfied with the alternative Bill, which has passed through all its stages except the third reading in the House of Lords, which is little more than a formality. Therefore, I contend that the arrangement, so far as the carriage of the American mails is concerned, may be put out of the question. The hon. and gallant Member for North Armagh has also sneered at æsthetics; but I would ask how hon. Members would receive a proposition to carry a railway 20 feet high, either on arches or upon tressels, around Westminster Abbey? Every consideration of that kind is to the advantage of the Bill we desire to see carried out, as against the one which is involved in the present scheme. At present the Custom House has the finest view which can be obtained in the City of Dublin, and it is our desire to preserve it, if we can. I ask why this House should endeavour to destroy it? The beauty of Dublin was made by the Irish Parliament. The Custom House of Dublin was built by the Irish Parliament, and it is the finest pre-Union building in that city. Is this what the English Parliament are going to do for us—namely, to destroy the beauty of the City of Dublin, created as it has been by the Irish House of Commons, and paid for by the Irish people? If there was any great purpose to be attained by the making of a loop line; if it would develop the trade and commerce of that city, I would not oppose the Bill, but I utterly deny that it will have any such effect. It will really do nothing to promote the trade and commerce of the country. When the question was before the House on a former occasion, I believe that the House of Commons at that time, and the Parliament altogether, would not have sanctioned this loop line if there had been a rival scheme put forward at that time. When this Bill was originally promoted, it was a question of that measure or nothing; and, of course, there was a natural desire that some arrangement should be made to expedite the transfer of the mails. We have now another scheme before us, and, therefore, the whole conditions which led Parliament to consent to the construction of this loop line are entirely changed. I hope that the House of Commons will not consent to impose this monstrous deformity upon the capital city of Ireland. It was only yesterday that the Prime Minister of England spoke of the desirability of establishing local government in all parts of the Kingdom for purely local affairs. Well, Sir, let the House of Commons make a beginning. Let them allow this question, as being purely a local one, to be settled by the Irish Members among themselves. There is very little difference of opinion among us. We are quite willing to take the vote of the majority of the Irish Members; but we ask the House of Commons not to impose on Dublin a monstrosity in opposition to the will of the people of that city, the Corporation of Dublin, the Local Authorities, and the majority of the Irish Members. This House has cursed Dublin with poverty; let it not curse Dublin with ugliness in addition. I will only say that if any great national advantage could be derived from this Bill I should be ashamed and sorry to oppose it; but there is nothing of the kind to be obtained. No doubt it will suit the convenience of a few persons—railway directors and railway shareholders; and, of course, such people have no mercy when any question of æsthetics is considered. There is nothing that is sacred to a railway engineer, who merely desires to carry out his scheme in the best way he can. The people of Dublin, however, are entitled to have their feelings and opinions in this matter, and there is no reason why this deformity should be inflicted upon their city. I hope that the House of Commons will not, by virtue of its power and strength, impose upon Dublin and upon Ireland a scheme which is not required, but which is opposed, not only by the Local Authorities of Dublin and by a vast majority of the people of that city, but by the majority of the Irish Members.

Mr. DEASY (Mayo, W.): My hon. and learned Friend the Member for North Longford (Mr. T. M. Healy) has said that the support which this Bill is now receiving has been got up by agitation in the Lobby. Now, I should have expressed my views in regard to the measure if I had not been perfectly certain that the question would come up again, and if my hon. Friend (Mr. P. M'Donald) had made a Motion that the Bill should be considered on that day three months, I and my hon. Friends would have been prepared to have advocated as strongly as possible the acceptance of this scheme. If there has been any monopoly of intrigue in the matter, it has been entirely on the other side. Let me say for myself that I have been approached for, at least, a score of times by the opponents of the present Bill, while not a single Gentleman who has been promoting the Bill has addressed a single word to me about it. Until at a late hour yesterday, the hon. Member for Tipperary asked me if I would see the promoters. It is only this moment that an hon. Friend behind me has passed on to me a note from the resident engineer of the promoters, canvassing me for my vote. But while there has been an absence of approach from those who are interested in carrying out the scheme, I have been approached at least 20 times by Gentlemen on the other side. We are asked why the promoters did not go on with their scheme three years ago, when they succeeded in getting their Bill passed. I do not think it lies in the mouths of the opponents to taunt the promoters with not having proceeded with it when the Great Southern and Western Railway Company, who were originally parties to the promotion, were the very gentlemen who killed the further progress of the scheme themselves by withdrawing from the guarantee they originally gave, and going over to the other side. Why did they do so? It was because, in my opinion, they did not think there was the slightest possibility of otherwise preventing the connection authorized by the Act from being made; and they wanted to avoid the odium which they imagined would be cast on them, and which, to some extent, has already been cast on them, by the people of the South of Ireland, of doing what in them lay towards completing the communication between Kingstown and Queenstown. The Postmaster General has now not only warned the people of Dublin of the danger, but almost of the certainty of their losing the carriage of the American mails if there is further delay, and he has gone the length of supporting the present Bill, and of saying that he believes it is one which ought to be passed by the House. The Lord Mayor of Dublin has told us that the people of that city are against the Bill; but how are we to know that when we have two of the Representatives of Dublin on one side and two on the other? [An hon. MEMBER: Only one against.] I am reminded by my hon. Friend that there are two Members for Dublin in our favour and only one against, the other Member not having recorded his opinion either one way or the other. A good deal has been said about the feeling of the Corporation of Dublin, but they do not represent the people of Dublin—at any rate as well as its Parliamentary Representatives, being elected upon a much more narrow franchise. I have only a few words more to say. I have no personal predilection for one line as against the other. If I had a choice, I think I should be in favour of the Southern line as a connecting link between Queenstown and Inchicore; but an hon. Member has told us—and he is a man of great experience in railway work—that he does not believe that the two lines will materially interfere with each other, and that if the Northern link is made, there is nothing to prevent the Southern link from being made also. My position in the matter is this. I desire to have some kind of direct communication between Kingstown and Queenstown. I do not care how the communication is brought about, but I do believe that this is the only feasible and possible scheme, and I do not see for a moment how the promoters of the Booterstown and Inchicore line can raise the enormous sum that will be necessary to carry out the alternative scheme in addition to the guarantee that is to be given by the Great Southern and Western Company; whereas the promoters of the scheme now before the House only require the present Bill to be passed in order to secure that their line will be carried out at once, and to insure that the works will be commenced early in October next. It is, therefore, in the interest of the Irish people that I appear here to support the Bill. I am not in favour of the one scheme more than the other, and if I have any leaning at all it is in favour of the Southern connection. In the vote I am prepared to give, I shall not vote for one Line or one Company against the other; but I shall vote for the question whether we are to have a communication established or not.

MR. PENROSE FITZGERALD (Cambridge): I will not detain the House for more than a few minutes; but after the course I took on the last occasion when this Bill was discussed, and after the support which I then gave to the Southern line of communication, it is necessary that I should say a word. In my opinion, it is quite clear that one of these Bills must kill the other. I, like the hon. Member for Mayo (Mr. Deasy), do not care one straw which Bill survives, provided that a direct mail passenger communication is established with Cork; but after full consideration I find no reason to change the opinion which I expressed last Monday. In the tremendous pinch of competition which is likely to arise for the conveyance of the American mails there is an absolute necessity on the part of Cork to maintain its supremacy. A burnt child dreads the fire, and I cannot ignore the fact that three years have elapsed since the present Company obtained their Bill, and that nothing has yet been done to give effect to it. Therefore, I feel bound to use my influence and give my vote in favour of the more direct communication between Booterstown and Kingstown. I do not propose to enter into the question in detail. I have had some doubt, and I have thought over the matter carefully, especially as to whether the promoters of the alternative scheme will be able to find the money or not; but I prefer to risk all that in view of the fact that the other Company has already been caught napping. If this Bill is rejected, I think there will be a fair claim on the part of the Great Southern and Western Company to claim the assistance of hon. Members who may take part in the rejection in raising the necessary capital to make the Southern communication which, in my opinion, is the best means by which the carriage of the American mails can be conducted.

Mr. O'KELLY (Roscommon, N.): My hon. Friend the Member for West Mayo (Mr. Deasy) has appealed to the House to support the present Bill on the ground that the majority of the Representatives of Dublin are in favour of it. In reply to that remark, I say that the Parliamentary Representatives of Dublin are not so much entitled to represent the citizens of Dublin as the Corporation. In all matters that affect the interests of that city I hold that the Corporation of Dublin are much better representatives than the Members for Dublin. The Members for Dublin are a political accident. They are represented by a wider and perhaps a more popular suffrage than the Corporation; but they have been returned to this House upon a national issue which has nothing to do with this question, and I am perfectly convinced that if the question were submitted to a vote in the City of Dublin, 90 per cent of the population would vote against this Bill. From a practical point of view the construction of this line will be a waste of money, and the line when constructed will save little or no time. It can certainly never be a paying concern. The line which is proposed to be constructed to Booterstown must inevitably be made some time or other, and it will not only develop the material interests of Dublin and Cork, but those of a large district outside Dublin. It is a line that ought to be made, and I believe that it will bring about financial results in the future of a most satisfactory kind. Under these circumstances, I hope that English Members will take into consideration the feeling of the people of Dublin, and the fact that the scheme now before the House, while it may be of advantage to a portion of Dublin, will contribute nothing to the business and wealth of that city, whereas the rival line will be of the greatest utility, not only in the present, but in the future. It will not only enable the mails to be carried cheaper and quicker, but it will help to develop property that is now locked up. With regard to facilitating the carriage of the mails, I hope my hon. Friends will not lay too much stress on that issue. The time may come when the mails will not go from Cork at all, and I, for one, certainly hope to see the day when they will go from Galway, from which port they certainly ought to go. [*A laugh.*] Hon. Members laugh; but we are Representatives of the whole of Ireland and not of Cork alone, and it is our business to have regard for the interests of the whole of Ireland and not of one spot alone. English Members must see plainly that there is no Party issue involved in the matter, and I think they ought to see that the interests of Dublin will be better served by the construction of the proposed line from Booterstown to Kingsbridge. I therefore trust that they will vote in favour of that scheme.

Mr. LANE (Cork, Co., E.): I should have been contented to give a silent vote if the hon. Member for Cambridge (Mr. Penrose Fitzgerald) had not stated that he was influenced in the decision he has arrived at by the consideration that the question deeply affects the interests of Queenstown and Cork. Now, as one of the Representatives of Queenstown and the County of Cork, I feel that it is impossible for me to give the vote I intended to give without explaining the reason which induces me to do so. The hon. Member for Cambridge, from the moment the opposition to this Bill was started, has done all in his power to further the rival scheme. He has given evidence in support of it both in this House and in the House of Lords, and he has done everything to forward its interests in the South of Ireland. Under these circumstances, I wish to explain why it is that I give a vote which, having regard to the remarks of several previous speakers, may be supposed to be antagonistic to the line which the hon. Member favours. I certainly intend to vote for the third reading of this Bill. When the alternative Bill was introduced, I certainly, at the request of my constituents, supported it in every way I could, because at the time I believed the loop line to be dead, and because I also believed that the alternative scheme was a better one. I have seen no reason whatever to change my mind on that subject. I still believe that the Southern Line is by far the best scheme for the South of Ireland, and certainly for the carriage of the American mails. But for the last few months I have done my utmost to ascertain from the promoters of the Southern Line what the prospect is of their being able to raise the large sum of money that will be necessary to enable them to construct their line if their Bill is passed by the House; and I must say—and I say it with the utmost regret—that I have not been able to satisfy myself that there is even a remote contingency of the promoters being able to raise the necessary capital in such a manner as to enable them to go forward with the construction of their line. They have substantially the guarantee of the Great Southern and Western Railway Company to subscribe £100,000 towards the capital of the Southern Junction Line; but that guarantee has been given solely and expressly on the condition that the remaining £200,000 required as a guarantee for the construction of the line must be *bonâ fide* subscribed capital. That is the most serious point in connection with the whole of the question. The £200,000 must be *bonâ fide* subscribed capital, and up to this afternoon the Southern Junction Company have not been able to give an assurance that that sum will be raised. I have endeavoured in every way to support and forward the scheme; but I cannot find that promises towards the direct guarantee to a greater extent than £20,000 out of the £200,000 have been given, and that leaves £180,000 to be subscribed within a limited time. Now, having regard to the fact that the very strong and active canvass which to my knowledge has been made during the last six months has only resulted in a subscription of £20,000, I fail to see where the rest of the capital is to come from. That is a point which has weighed very seriously upon my mind, and has induced me to take no step which may prevent the other line from being proceeded with, although I am not in favour of the loop line, and the alternative scheme has all my sympathies. I believe that all my hon. Friends who will vote with me feel for the citizens of Dublin in the prospect they have of seeing the view from the O'Connell Bridge interfered with by the erection of a bridge between it and the Custom House. We have a strong objection to any measure that is likely to disfigure that city; but against that objection they have to take into consideration the prosperity of Dublin, which is interwoven with that of the whole of Ireland. We have the assurance of the Postmaster General that unless one or other of the two lines is constructed the continuance of the American mails is very problematical. On the other hand, there is only a very remote prospect of the Southern Junction being made; and, under these circumstances, it seems to me that at the present moment we, who are so deeply interested in the South of Ireland, and in the continuance of the American mails by the Queenstown route, are bound to vote in such a way as will prevent us from being deprived of both of the lines which have been projected to connect Cork with Kingstown. My hon. Friend who has just spoken says that he supports the Southern line because he hopes that in a short time the mails will go by way of Galway. If the hon. Member is consistent in that view he is bound to vote for the loop line as the only means by which his idea can be carried out. But that is only a bye question in the main issue. The real issue which the House has to decide is, whether we are to have any or no connection between Kingstown and Queenstown as the port of embarkation for the American mails. I believe that, by giving my vote for the Bill now under consideration, I shall not in any way prejudice the progress of the other Bill, and I trust that in the interests of the country both Bills may proceed.

THE CHAIRMAN OF COMMITTEES (Mr. COURTNEY) (Cornwall, Bodmin): I understand that during my absence from the House an appeal has been made to me for an expression of opinion on the matter; and it is partly in response to that appeal, and partly in the hope that by taking a step which I think will be in accordance with the desire of the majority, the question may, at least, be brought to a decision. The hon. and learned Member for North Longford (Mr. T. M. Healy) has asked if there is any precedent for re-opening a question of this kind after it has once been decided that a Bill should not be reconsidered. I am not aware of any. I can, however, recollect one instance in which a Bill of public interest was some years ago rejected, and subsequently revived and passed through all its stages. I refer to the Bill for the abolition of Purchase. It is, therefore, impossible to say that there may not be some kind of warrant for what has been done to-day. At all events, we are face to face with the fact that the Bill is here, and we cannot get rid of that fact except by a vote. I therefore hope that the House will proceed to take a vote at once. Now the real question is—Shall the vote of the House be influenced by the decision which was come to on Monday last? As far as I understand that decision, it was taken under a double error. In the first place, the opponents of the Bill ought to have secured their purpose by requiring that the Motion should be put that the Bill be considered on that day three months. They had power to do that, but by some inadvertence a grievous error was committed. On the other hand, it was by no means clear, if a vote had been pressed on that occasion by the demand of the hon. Member for Belfast (Mr. Ewart), which way the decision would have gone, because the voice of the House is very different from the voice of the Lobby. The hon. Member for Belfast committed an error, and perhaps, under these circumstances, it would now be as well to proceed on the assumption that a double error was committed, and to vote as if nothing at all had happened. We have now had an expression of opinion from all parties, and from different sections of the Irish Members. It appears that even in Dublin itself there is a difference of opinion. As I understand, the hon. Member for the St. Stephen's Green Division of Dublin (Mr. Gray) has spoken strongly in favour of the Bill, while another Member for Dublin—the Lord Mayor—has spoken as strongly against it. Having had an expression of opinion from all parties, I would venture to suggest that the debate may now be brought to a close. I hope that hon. Members will agree that the first step in order to take a Division is to close the debate, and in order to secure that end I claim to move, "That the Question be now put."

Question put accordingly, "That the Question be now put."

The House *divided:*—Ayes 247; Noes 85: Majority 162.—(Div. List, No. 328.)

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 216; Noes 114: Majority 102.—(Div. List, No. 329.)

Lord CLAUD HAMILTON: Mr. Speaker, I claim "That the Main Question be now put."

Mr. SPEAKER: The Question is that the Bill be now considered.

Mr. T. M. HEALY: I wish to ask you, Sir, a question upon a point of Order. If the Main Question is put, will not that prevent any hon. Gentleman who has objections to the details of the Bill moving Amendments?

Mr. SPEAKER: The action taken by the House will not prevent the course being taken which the hon. and learned Gentleman suggests; but Notice must be given of Amendments.

Mr. T. M. HEALY: Then may I ask you, Sir, as we have had no opportunity of putting down Amendments, whether there would be any objection to the adjournment of the debate being moved? It must be borne in mind that this Bill was brought in very hurriedly. Would there be any objection to an Amendment providing that the Company might be obliged to find its money within three months?

Mr. SPEAKER: The Question which is now to be decided is that the Bill be now considered; therefore the course suggested by the hon. and learned Gentleman would not be in Order.

Mr. T. M. HEALY: I beg to move that the debate be now adjourned.

Mr. SPEAKER: It is impossible for the hon. and learned Gentleman to make such a Motion. If the hon. and learned Gentleman had not risen to a point of Order, I should have at once proceeded to put the further Motion, in order to complete the Motion already carried.

Main Question, "That the Bill, as amended, be now considered," put.

The House *divided*:—Ayes 234; Noes 83: Majority 151.—(Div. List, No. 330.)

Bill *considered*.

Mr. T. M. HEALY: May I ask you, Mr. Speaker, what Question has been now considered?

Mr. SPEAKER: The Bill now stands for third reading on some future day, and the hon. and learned Gentleman will be able to put down whatever Amendments he thinks proper.

Mr. T. M. HEALY: I understand that the Question you put was "That the Question be now put."

Mr. SPEAKER: The Question I put from the Chair was "That the Bill, as amended, be considered."

Mr. T. M. HEALY: I understood the noble Lord moved not the Question "That the Bill be now considered," but "That the Question be now put."

Mr. SPEAKER: No; nothing of that sort was done. It was moved "That the Question be now put;" and after a Division upon that the noble Lord claimed to move the further Question necessary to bring to a decision the Question already put from the Chair.

Mr. CHANCE (Kilkenny, S.): Is it competent to debate the Bill now?

Mr. SPEAKER: No; that would be out of Order.

Mr. T. M. HEALY: I beg to give Notice that on the Motion for the third reading of this Bill I shall move that the Bill be re-committed, with a view to certain Amendments, and I may add that such a course was adopted in the case of the Manchester Ship Canal Bill.

Ordered to be read the third time.

QUESTIONS.

—o—

RIVERS POLLUTION—THE RIVER CALDER, LANCASHIRE.

Sir UGHTRED KAY-SHUTTLEWORTH (Lancashire, Clitheroe) asked the President of the Local Government Board, Whether the attention of the Board has, from time to time, been called to the polluted state of the River Calder in Lancashire at and below Burnley; whether he has seen a recent Report of the medical officer to the Padiham and Hapton Local Board, speaking of the "unhealthy and unpleasant condition" of the river; also a report of a Coroner's inquest at Padiham last week, when the jurors expressed themselves freely on "the disgraceful state of the river, especially during the recent dry weather;" and, whether he will take any action in order to protect the health of the large population residing near the Calder?

The PRESIDENT (Mr. Ritchie) (Tower Hamlets, St. George's): I have seen the Report of the inquest held by the Coroner at Padiham last week, and have to-day received from the Padiham and Hapton Local Board the Report of the Medical Officer of Health with regard to the polluted state of the River Calder. I have reason to believe that the river is seriously polluted by sewage; but the Local Government Board have no power to institute proceedings under the Rivers Pollution Prevention Act against those who are responsible for the pollution. Those locally interested have the remedy in their own hands by instituting proceedings under the Act referred to. The Local Government Board will, however, communicate with the Town Council of Burnley and the Padiham and Hapton Local Board on the subject.

THE MAGISTRACY (IRELAND)—THE DOWNSHIRE BAND—BELFAST.

Mr. JOHNSTON (Belfast, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the action of Colonel Forbes and Mr. M'Carthy in fining the Downshire Band for playing with a Sunday School excursion in Belfast, on Saturday the 2nd July; whether the Loyal Union Band, playing sacred airs and "God save the Queen," while with the Ormeau Road Methodist Church excursion, was fined at the Petty Sessions, Belfast, on the 14th July; whether any attempt was made to interfere with the bands playing on the 12th of July; and, whether it is intended to take any steps with regard to this action of the magistrates?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, that Colonel Forbes reported that on both the occasions the bands were fined because they caused a public obstruction after being cautioned by the police, The second case, however, is still *sub judice*, as the Resident Magistrates complied with the request of the solicitor for the defendants to take the case to the Queen's Bench Division of Her Majesty's High Court of Justice.

Mr. SEXTON (Belfast, W.) asked the right hon. and gallant Gentleman, If his attention had been drawn to a Resolution adopted at a great public meeting of the citizens, in which it was stated that, while they disapproved of band-playing, they considered the recent prosecutions of these bands illegal, and condemned the action of the Resident Magistrates, and affirmed that the course pursued was likely to arouse the passions of the population and to lead to disturbances of the peace? He would also ask the right hon. Gentleman whether the Government would consent to such an alteration in the law as would give the defendants sentenced by Resident Magistrates the same right of appeal as in England?

Colonel KING-HARMAN: I have stated that in the second case the right of appeal has been granted.

SCOTLAND—THE REGISTER HOUSE, EDINBURGH—THE SASINE OFFICE.

Mr. MACDONALD CAMERON (Wick, &c.) asked the Lord Advocate, Whether it is a fact that the Regulations on page 4 of the Treasury Minute dated 27th March, 1881, anent the Register House, Edinburgh, have not been complied with—that is to say, that no First Class Clerk has been employed in the Central, Glasgow, Northern, or Southern Districts of the Sasine Office, as second in command to the Assistant Keepers; and, whether it is true that the Third Class Clerks of the Sasine Office do exactly the same kind of work as the Second Class Clerks—namely, drafting the Minutes, collating the record, and preparing the index; if so, will Her Majesty's Government consider the expediency of revising the Minutes of the 27th March, 1881, as promised therein, with a view to bettering the position of the inferior grades of clerks, who have been performing the duties of the superior grades during the past seven years?

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.) (who replied) said, he was not aware that the number of First Class Clerks on the establishment of the Sasine Office, Edinburgh, was at present less than that fixed by the Treasury Minute of 1881. It was within the province of the Head of the Department, the Registrar of Sasines, to apportion the work of the Office among his staff as he might think best in the public interest. The Treasury was not at present prepared to make any alteration in the existing arrangements.

ROYAL IRISH CONSTABULARY—CONSTABLES ON PROTECTION DUTY.

Mr. KENNEDY (Sligo, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether constables on protection duty with Lewis Goulden, of Lavagh, County Sligo, and Robert Broder, Lesanagh, County Sligo, have been working for weeks past like ordinary labourers, not wearing their uniforms or side arms; whether he can state if constables so engaged are receiving any remuneration for such work; and, whether he can state who pays car hire for police whilst travelling through the country with Goulden on Sheriff's bailiff's duty and in capacity of summons server?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, the Inspector General reported that it was not a fact that the constables referred to had been working in the manner alleged. The persons who employed Goulden paid for the car whilst he was acting on their behalf, or otherwise it was paid by Goulden himself.

CRIME AND OUTRAGE (IRELAND)—THE COOLGREANY EVICTIONS—DISTURBANCES AT WEXFORD.

Captain M'CALMONT (Antrim, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true, as stated in *The Irish Times* of the 25th instant, that at Wexford on Saturday night last a mob of some 3,000 persons assembled to meet two prisoners being brought under escort to gaol, for having taken a violent part at the recent evictions at Coolgreany; whether they stoned the escort during their passage to the gaol; whether one constable was killed, leaving a widow and a number of children; and, whether he has any information as to the cause of this unfortunate incident?

Mr. J. E. REDMOND (Wexford, N.): Before the right hon. and gallant Gentleman answers that Question, I beg to put a supplemental Question, which is this — Whether subsequent inquiries have not proved that the death of the policeman was purely accidental, and whether he has read the report of the evidence given by the prison doctor at the Coroner's inquest? [The hon. Gentleman then quoted the evidence in question.] He would also ask, whether the jury did not return a verdict in accordance with the medical testimony, which was that death was due to disease of the heart and congestion of the brain; and whether Judge Harrison, in opening the Assizes on Tuesday last in Wexford, said—

> "It was at first reported that a constable met his death on that occasion; but that, I am happy to say, was an erroneous report?"

Mr. SPEAKER: Order, order! The hon. Gentleman is now making a counter statement to establish a different state of facts; but he has not yet heard the answer of the Minister to the original Question.

Mr. J. E. REDMOND: I will then ask that an answer to the first Question be given.

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, he thought his answer might obviate any further Questions on this subject. He had not read the whole of the documents to which the hon. Member referred; but he had read sufficient to enable him to give an answer to this Question. The Constabulary authorities represented that it was a fact that a large number of persons assembled on the night mentioned to meet the prisoners who were being brought from Coolgreany. It was reported that some shouting and rowdyism and stone-throwing occurred. A constable named James Riley, who was standing in front of the gaol, fell down, and he was picked up dead. There was no evidence that he was struck by a stone, and there was no mark of violence except a mark on the head caused by the fall. The medical evidence showed that death was caused by heart disease and congestion of the brain. The constable was a married man; but he (Colonel King-Harman) was unable to say how many children he had left.

Mr. J. E. REDMOND: I would like to supplement the answer given by asking the right hon. and gallant Gentleman whether it is not a fact that a year and a half ago this man had an attack of heart disease; and whether, on this day, he was not on duty from 7 o'clock in the morning till 10 at night; and whether the authorities will take into consideration the desirability of granting some allowance to the family?

Colonel KING-HARMAN said, he had no information as to whether the constable had a previous attack of heart disease. He might add that the family of the constable would be looked after, as suggested by the hon. Member.

WAR OFFICE—THE IRISH MILITIA—THE MARTINI-HENRY RIFLE.

Colonel HUGHES-HALLETT (Rochester) asked the Secretary of State for War, Whether he is aware that two old Snider rifles belonging to the 9th Battalion Rifle Brigade (Irish Militia) burst during the practice at Mullingar a few days ago; and, whether there is a certainty, in accordance with promises made, that all the Irish Militia will next year, in time for their several periods of training, be armed with the Martini-Henry rifle, the old Snider being withdrawn?

The SURVEYOR GENERAL of ORDNANCE (Mr. Northcote) (Exeter) (who replied) said: A Report has been received of the bursting of one Snider rifle belonging to the 9th Battalion Rifle Brigade (Irish Militia). The rifle had been examined and reported fit for use, and at present the accident cannot be accounted for. This is the last training at which the Irish Militia will be required to use the Snider rifle. They will have the Martini-Henry next year.

IRISH LAND COMMISSION — SALES UNDER LORD ASHBOURNE'S ACT.

Captain M'CALMONT (Antrim, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, How it comes that a delay of over six months occurs in connection with sales under Lord Ashbourne's Act, during which time no information is vouchsafed to the parties interested, although tenants and landlords have, in the first instance, agreed as to the terms and manner of sale?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Land Commissioners report that when agreements for sale are lodged with them, and the parties comply with any preliminary requisitions, the Commissioners at once proceed with the case, and notify to the parties whether the application for advance has been provisionally sanctioned or refused. In no case has there been any such delay in those preliminary inquiries as that alleged in the hon. Member's Question. When advances are sanctioned the subsequent proceedings depend upon the manner in which the title is presented, the nature of the case, and the state of business; but the solicitor, or any person interested, can always ascertain the exact position of the proceedings. The requisition on title, and all other requisitions of the Commissioners, are communicated at once to the solicitor engaged in the case.

EXTRAORDINARY TITHE ACT, 1886—THE LAND COMMISSIONERS.

MR. BROOKFIELD (Sussex, Rye) asked the Secretary of State for the Home Department, Whether he can now give the House any further particulars as to the progress which the Land Commissioners have made in connection with "The Extraordinary Tithe Act, 1886?"

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The preliminary inquiry and survey, embracing 497 parishes, is nearly completed, and meetings in each parish, following thereon, conducted by Assistant Commissioners, are now being held, and will be continued with as much despatch as may be practicable.

AFRICA (WEST COAST)—THE "BLACKWATER FEVER" ON THE GOLD COAST.

MR. CONYBEARE (Cornwall, Camborne) asked the Secretary of State for the Colonies, Whether it is the fact that, within the last six months, a malignant fever, called the "Blackwater fever," has, owing to the want of proper sanitary arrangements and good water, broken out on the Gold Coast, and proved fatal already to about 50 per cent of the European residents; whether it is a fact that the Natives of Cape Coast Castle have recently elected representatives to act as a Local Board of Health, and have petitioned the Governor to approve of such appointments, and to grant them the necessary powers to deal with the present insanitary condition of the town; what answer the Governor has given to such Petition; and, whether, if such Petition has been refused, he will instruct the Gold Coast Executive to grant the necessary powers and recognition of such Elected Board as has been petitioned for, and otherwise encourage the formation of Local Boards in the other towns of the Colony?

THE FIRST LORD OF THE ADMIRALTY (Lord GEORGE HAMILTON) (Middlesex, Ealing) (who replied) said: "Blackwater fever" is not a specific disease, but is a name given by certain doctors on the Gold Coast to a specially severe form of the ordinary remittent fever of West Africa. The rainy season this year has, no doubt, been more than usually unhealthy; but there is no reason to attribute this in any special way to want of good sanitary arrangements and good water. Indeed, the Papers recently laid before Parliament (C. 5,071, pp. 104 and 241) show that a great deal has been done in the way of improvement in these matters, and the efforts of the Government are being continued. The statement that 50 per cent of the European residents have died is, I have every reason to believe, greatly exaggerated. I have received no Report of the election of a Board of Health at Cape Coast, or of any Petition to the Governor on the subject. I will, however, make inquiries. It has been the policy of the Colonial Office to encourage the formation of Local Bodies for district administration, especially in regard to sanitary matters, as the hon. Member will see by referring to the passage printed in Papers laid before Parliament in 1884 and 1885 (C. 4,052, p. 101, and C. 4,477, p. 141).

EVICTIONS (IRELAND)—EVICTIONS AT BODYKE, CO. CLARE—COST OF THE MILITARY AND POLICE.

MR. COX (Clare, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can now state what was the total cost to the country of the military and police forces engaged in carrying out the recent evictions at Bodyke?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the Inspector General reported that the total cost of the police who were engaged at these evictions was £1,020 4*s.* 9*d.* He had not yet received a statement as to the cost of the military engaged at Bodyke.

MR. CHANCE (Kilkenny, S.): Will the right hon. and gallant Gentleman tell me the amount of rents in respect of which the people were evicted? Was it greater or less than £1,000?

COLONEL KING-HARMAN: I am not aware.

WAR OFFICE—REGIMENTAL BANDS AT PUBLIC FESTIVALS — THE QUEEN'S REGULATIONS.

MR. LABOUCHERE (Northampton) asked the Secretary of State for War, Whether his attention has been called to two advertisements in *The Bridport News*, of 22nd July, in one of which it is announced that the—

> "Splendid band of the First Battalion Dorsetshire Regiment (39th Foot) will play at the Annual Flower Show on 11th August;"

and in the other of which it is announced that a "Grand Gala of the Primrose League" will be held at the same time and place; and, what steps he will take to prevent this intended evasion of the Regulations in regard to military bands?

MR. JOHNSTON (Belfast, S.): Before the right hon. Gentleman answers that Question, may I ask him whether steps will be taken to prevent the attendance of any member of the Primrose League at any flower show at which a band of any of Her Majesty's regiments may play?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): I think I shall sufficiently answer both Questions by saying that I have not seen the advertisements referred to; but I am informed by the General Officer commanding that the Bridport Flower Show, at which the band of the Dorsetshire Regiment is to play, has no connection with any gala of the Primrose League.

LITERATURE, SCIENCE, AND ART—THE "KEW GARDENS BULLETIN."

MR. LABOUCHERE (Northampton) asked the First Commissioner of Works, Whether his attention had been called to the publication called *Kew Gardens Bulletin*, which it was promised should contain particulars of the objects, specimens, and Reports received at the Government Gardens, Kew, and sent therefrom, and to the fact that this information has not been furnished, although numbers of *The Bulletin* have been issued since the promise; and, whether there is any likelihood of the promise made being carried out, and that the Reports from officers and expeditions, and the receipt of objects, specimens, plants at, and sent out from this Government establishment since 1882 (the date of the last Report) will shortly be forthcoming?

THE FIRST COMMISSIONER (Mr. PLUNKET) (Dublin University): *The Kew Gardens Bulletin* is published monthly, in accordance with a promise to that effect which I gave in this House on the 17th of March last. It does contain the particulars of the objects, specimens, and Reports received at Kew Gardens and sent therefrom. The Annual Report for 1886 is now just going to press, and I hope that the arrears from 1882 of these Annual Reports will be worked off in a few months. There have been no expeditions or officers despatched from Kew for some years; but Reports from expeditions sent out by Societies (such as the Geographical) and by private individuals are sometimes forwarded by them to be reported on, and the results are published in the journals of these Societies, or by private individuals in works of travel.

ROYAL IRISH CONSTABULARY AND DUBLIN METROPOLITAN POLICE PENSION FUND.

MR. P. M'DONALD (Sligo, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Irish Government will furnish a duly audited and certified Return of all receipts and ex-expenditure of the Royal Irish Constabulary and Dublin Metropolitan Police Pension Fund, now amounting to £133,489, and lay it upon the Table of this House, same to be with form of Dr. and Cr. account, and specifying the annual amounts received, and from what sources; also the amounts paid, and to whom and for what services paid, since the establishment of the fund in 1836; and, whether the officers of the Force, and for what services rendered, have received any payments out of this Fund; and, if so, what amount, as compared with the gross payments made to the rank and file or the widows and orphans of all under the ranks of officers?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Constabulary Force Fund is not a pension fund of the Constabulary, and has no connection whatever with the Dublin Metropolitan Police. As already explained to the hon. Member, this Fund is strictly applied to the purposes laid down by the Constabulary Act of 1866—namely, the reward of meritorious members of the Force, and for the relief of the families of members of that force. The officers of the Force participate in like manner with the men in the benefits of the Fund. It would not be practicable to give the detailed Return asked for, the vouchers being forwarded to the Audit Office from time to time. An account of the receipts and payments of this Fund is rendered monthly by the Receïver of Constabulary to the Controller and Auditor General with his other accounts, and he receives annually from that officer a certificate which shows the balance due.

MR. SEXTON (Belfast, W.) asked whether this Fund was not raised by the contributions of the men in the Constabulary Force? He desired to know upon what principle the Government refused to allow the members of the Constabulary Force to ascertain for themselves in what manner the money was expended, especially as there was a suspicion that ex-Detective Inspector French had received some of it? What objection was there to laying the Return on the Table?

COLONEL KING-HARMAN said, if the hon. Member would put the Question on the Paper, he would endeavour to answer it.

MR. SEXTON said, he would raise a debate on the question on the Vote for the Chief Secretary's Office.

CRIMINAL LAW AMENDMENT (IRELAND) ACT—PROCLAMATION OF CO. FERMANAGH.

MR. H. CAMPBELL (Fermanagh, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can state the grounds on which the Government proclaimed the County of Fermanagh under the Coercion Act, seeing that only one outrage has been reported by the Constabulary; when, and in what part of the county did the outrage take place; what were the names of the parties concerned; and, whether they have been convicted?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: Fermanagh is one of those counties that have been proclaimed only under those parts of the second section which deal with taking forcible possession and assaults on officers of the law. My right hon. Friend the Chief Secretary, in his answer to the right hon. Gentleman the Member for Newcastle (Mr. John Morley) on Monday last, explained the principle upon which the Government acted in putting this part of the Act in force in all the counties in Ireland. The outrage to which the hon. Member refers had nothing to do with the action of the Government in this matter.

MR. W. REDMOND (Fermanagh, N.): Arising out of the answer of the right hon. and gallant Gentleman, may I be allowed to ask him if the attention of the Government has been called to the following paragraph in the address of Mr. Justice Murphy recently to the Grand Jury of the County Fermanagh:—

> "Nothing (said Judge Murphy) can exceed the peace and quiet obtaining in this, as I trust I may call it, your prosperous county. The bills to go before you are only two in number."

May I ask him whether, in face of the assertions as to the peace of the county made by Mr. Justice Murphy the Government think it likely to contribute to the peace——

MR. SPEAKER: Order! The hon. Gentleman is at liberty to put the first part of the Question; but he is now drawing an inference.

MR. W. REDMOND: Then I will ask whether the right hon. and gallant Gentleman's attention has been drawn to the learned Judge's Charge; and whether he will distinctly state the ground on which this peaceful county has been subjected to the stigma of coercion?

COLONEL KING-HARMAN: I have not read the charge referred to. [Mr. W. REDMOND: You ought.] The Proclamation under which Fermanagh has been proclaimed is simply an extension of a certain principle which during the debates on the Bill one of the hon. Members below the Gangway moved should be extended to the whole of Ireland.

MR. O'DOHERTY (Donegal, N.): I beg to say, Sir, as being that hon. Member, that that is not so.

MR. W. REDMOND: In consequence of the answer of the right hon. and gallant Gentleman I beg to give Notice that, as a Representative of the county, I shall take the earliest opportunity of protesting against the infamy of placing these peaceable people under the stigma of coercion.

MR. O'DOHERTY: I wish to ask the right hon. and gallant Gentleman whether he refers to the Motion I made that Party riots should come under the jurisdiction of the Criminal Law Amendment (Ireland) Act?

COLONEL KING-HARMAN: Now the hon. Member mentions it, I believe it was he who proposed that the clause should apply to all parts of Ireland in order to prevent Party disturbances. I think he meant it chiefly to refer to the North of Ireland.

MR. SEXTON (Belfast, W.): I would ask the right hon. and gallant Gentleman, whether the Proclamation of this County of Fermanagh does not take the two offences of taking and holding forcible possession and assaults upon constables and other ministers of the Crown out of the ordinary jurisdiction and convey it to a Court of Summary Jurisdiction composed of two Resident Magistrates; and whether that change of jurisdiction arises from the prevalence of these two offences, or from the circumstance that the ordinary tribunals had failed to deal with them?

COLONEL KING-HARMAN: The county was proclaimed, among other reasons, because intimidation prevails there, and because there are 15 persons subjected to Boycotting?

MR. SEXTON: I must press this matter. The right hon. and gallant Gentleman has just said that intimidation prevails in Fermanagh. I would ask him whether it appears by the Official Returns sent by the Inspector General of Constabulary, and issued from Dublin Castle, that in the last six months there has not been reported by the police in the County Fermanagh one single case of intimidation? I refer, Sir, to the Report in which intimidation is classed under two heads—the first including intimidation by threatening letters and notices, and the second "otherwise;" and in the six months these two heads are represented by blanks; and I would ask him, seeing that the two crimes of taking and holding forcible possession and assaulting constables, and other ministers of the law have been transferred from the ordinary to special jurisdiction, whether he is aware of the fact certified by the Inspector General of Irish Constabulary, that in the County of Fermanagh, in the course of the last six months, not one of either of the two classes of offences has been committed?

COLONEL KING-HARMAN: I have not referred to the Return mentioned by the hon. Gentleman; but I have a Return which shows that there are 15 Boycotting cases in the county.

LAW AND JUSTICE (IRELAND) NENAGH SUMMER ASSIZES—CHARGE OF MR. JUSTICE HARRISON.

MR. P. J. O'BRIEN (Tipperary, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the address of the honourable Justice Harrison to the Grand Jury, at the Summer Assizes at Nenagh, County Tipperary, on the 12th instant, in which the following passage is reported:—

> "These were the entire cases to go before the Grand Jury, and he should say that it was a very satisfactory state of things to be found to exist in this very fine and important county, and he was very happy to be able to congratulate the Grand Jury upon it. So far as he could judge from the official records, the county was in a most peaceable condition, and he sincerely hoped that such would continue;"

whether this condition of the county, as stated by Judge Harrison, has been verified by other Judges on Circuit to the same effect; and, whether he can state the grounds on which the County of Tipperary has been proclaimed?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Government could not consider the state of the County of Tipperary solely as exemplified by the information before the Judge of Assize. There is a great deal of intimidation existing; 110 persons are reported as more or less affected by Boycotting. Violent Resolutions are adopted at meetings and reported in the Nationalist Press, and a large number of persons require special protection to preserve them and their property from outrage.

Mr. P. J. O'BRIEN: In what portion of the county does this state of things exist?

Colonel KING-HARMAN: I have not the papers with me stating the exact localities; but it prevails in several parts of the county. The Southern portion, I think, is the worst.

Mr. SEXTON (Belfast, W.): As this county is proclaimed under the first four clauses of the Criminal Law Amendment (Ireland) Act, which change the trial of indictable offences, and provide for a special jury in any case, I wish to ask if it can be alleged, on the authority of the Judge of Assize, or on that of any official, that in any case local juries have failed to give a conviction where a conviction was due to justice?

Colonel KING-HARMAN: I shall be obliged to have Notice of that Question. I think I might refer to the Assizes of last year. [*Cries of* "This year!"]

Mr. MAC NEILL (Donegal, S.): I would ask the right hon. and gallant Gentleman whether it is not a fact that at the Spring Assizes of this year the Judge complimented the Grand Jury of Tipperary on the peaceful condition of the county?

Colonel KING-HARMAN: I am afraid my memory will not carry me back so far.

Mr. MAC NEILL said he would refresh the right hon. and gallant Gentleman's memory by repeating the Question on a future day.

Mr. ANDERSON (Elgin and Nairn): May I ask the right hon. and gallant Gentleman from whom these Reports come which are alleged to be confidential; and if there is any objection to place a Return on the Table of the number of cases reported, and a copy of these Reports?

Colonel KING-HARMAN: The Reports come from the officials of the counties, in whom we have full confidence. They are the same men employed by previous Governments, and no well-sustained complaint has been made against them. Of course, we cannot place on the Table confidential Reports.

Mr. MOLLOY (King's Co., Birr) asked, was it not a fact that these Reports were sent by the Chiefs of Police?

Colonel KING-HARMAN: No, Sir; the Government, in the first instance, receive Reports from the Divisional Magistrates.

An hon. Member: Landlords.

Mr. MOLLOY asked, had not the Resident Magistrates these statistics submitted to them before they were sent to the Irish Office?

Colonel KING-HARMAN: The statistics do not in all parts of Ireland represent the real state of the country.

Mr. SEXTON: I wish to ask the Chief Secretary for Ireland, if he can throw any light upon a subject respecting which the Parliamentary Under Secretary is in complete darkness—it is, why 14 counties in Ireland have been proclaimed in respect of those sections which relate to forcible possession and assaults upon police officers and other ministers of the law? I wish also to ask the right hon. Gentleman, if he is aware that the official Reports of the Inspector General show that in these 14 counties so proclaimed not one of either of these two classes of offences has been committed or reported during the present year? I would ask, Sir, how it is that these 14 counties, which the Inspector General reports have been so completely free from crime for so long a period as half a year, are now proclaimed?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): I have before stated, in reference to the subsections to which the hon. Gentleman refers, that, in my opinion, it would have been more desirable if the House had followed the example set in regard to the first sub-head of Sub-section 3, and made it a part of the general law of the land.

WAR OFFICE—SALE OF CAMBRIDGE HOUSE, PORTSMOUTH—THE TOWN STATION AND DOCKYARD.

Mr. JENNINGS (Stockport) asked the Secretary of State for War, If it is the fact that an important freehold property, being the site of Cambridge House and grounds at Portsmouth, belonging to the Government, which is the only available land between the Portsmouth Town Station and the Dockyard, is to be offered for sale by public auction early in August, contrary to the strongly expressed opinion of the Officer Commanding the Royal Engineers at Portsmouth, the General Commanding the

Southern District, and, it is understood, the Inspector General of Fortifications; if so, on what grounds is this sale to take place; what, if any, reserve price has been placed upon the property; and is there any objection to place the opinions of the Commanding Officers in question upon the Table for the information of Members; and, will the proceeds of the sale, should it take place, be applied to the purposes of the Army Estimates, as an appropriation in aid, or how will the money be dealt with when received?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): Cambridge House, Portsmouth, is being sold in accordance with competent professional advice. A portion of the property will shortly be offered for sale in lots; but the manner of disposing of the remainder is not yet decided. My hon. Friend being a great advocate of economy, would, I should have thought, have agreed in thinking it absurd that the residence of the officer commanding the Royal Engineers at Portsmouth should occupy the whole of a property for which we have already been offered the inadequate sum of £30,000. The proceeds of the sale will be applied as an appropriation in aid.

ROYAL COMMISSION ON WARLIKE STORES—WAR DEPARTMENT OFFICIALS HOLDING SHARES IN PUBLIC COMPANIES.

MR. HANBURY (Preston) asked the Secretary of State for War, what steps have been taken, in pursuance of his recent Memorandum on the subject, to ascertain what, if any, officials of the War Department, civil or military, now hold shares in "a firm of any kind which enters into contracts with the Department," certain Companies, such as Railway Companies, being excepted; and, whether the excepted Companies will be more particularly defined, so as to avoid any evasion of the Memorandum, which has been issued in accordance with the strong recommendation of the Royal Commission on Warlike Stores?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): I have already explained to the House the nature of my recent Memorandum, and I am responsible to Parliament for seeing that my orders are obeyed. If any breach of those orders takes place I shall know how to deal with it.

MR. HANBURY: In consequence of the unsatisfactory nature of the right hon. Gentleman's reply, I shall call attention to the subject on the Votes.

THE MAGISTRACY (IRELAND) — RETIREMENT OF SENIOR RESIDENT MAGISTRATES.

MR. E. ROBERTSON (Dundee) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true, as stated in *The Standard* of 26th July, that it has been decided to retire a number of the senior Resident Magistrates, and to fill their places with younger men, who will be better able to undertake the onerous duties involved in the operation of the Criminal Law Amendment (Ireland) Act; and, whether the Government has selected persons for this purpose of the sufficiency of whose legal knowledge the Lord Chancellor is satisfied?

MR. MAC NEILL (Donegal, S.) also asked, in reference to the administration of the Criminal Law Amendment (Ireland) Act, Whether it is true, as stated in *The Daily News* of 26th July, 1887, that it has been resolved to retire a number of the senior Resident Magistrates, and to fill their places at once with young and active men; how many Resident Magistrates are about to retire; whether the retirement is to be compulsory or voluntary; how many new appointments to the post of Resident Magistrate do the Government intend to make; are Resident Magistrates in Ireland appointed by the Warrant of the Lord Lieutenant; do they hold their offices not for a stated period, but during the pleasure of the Government, and are they liable to instant dismissal without cause assigned, or without pension or compensation; would the right hon. Gentleman have any, and, if so, what, objection to lay upon the Table of the House a list of the gentlemen who are to fill these appointments, with their antecedent occupations, and their qualifications for exercising judicial functions of a novel and difficult character?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: It is the case that four Resident Magistrates have been called upon to retire. They will receive the pensions nature referred to have been reported from the County Westmeath during the period named.

MR. TUITE: Then may I ask why the county has been proclaimed under that section which specially relates to those offences; and whether it was to facilitate the evictions now pending upon a certain estate?

COLONEL KING-HARMAN: The County of Westmeath is reported as being in a dangerous condition. There is an immense amount of intimidation in the greater part of it.

MR. TUITE: Is the right hon. and gallant Gentleman aware that there is not a single case of intimidation in the county?

COLONEL KING-HARMAN: No, Sir. I am aware, from my own personal knowledge, that there are a great many.

WEIGHTS AND MEASURES ACT—COAL MINERS OF LANARKSHIRE.

MR. CUNNINGHAME GRAHAM (Lanark, N.W.) asked the Secretary of State for the Home Department, If he is aware that the Weights and Measures Act has failed to protect miners in Lanarkshire from being obliged to furnish 22½ cwts. for a ton; and, in view of his statement that the miners would find protection against this irregular practice under that Act, if he can suggest any mode of dealing with the grievance?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): If any miner in Lanarkshire has been obliged to furnish to his employer 22½ cwt. for a ton, that employer is, I am advised, liable under the 41 & 42 *Vict.* c. 49, to a fine which can be recovered before a Court of Summary Jurisdiction, and a moiety paid to the informer, and that is the mode of dealing with the grievance which has been approved by Parliament after repeated discussions. If a miner agrees to furnish coal at an agreed price per cwt. or per 22½ cwt., that, no doubt, is not reached by the Weights and Measures Act, and I cannot suggest any mode of preventing that practice.

MR. CUNNINGHAME GRAHAM asked whether, in view of the fact that the hopes of the miners were turned to this matter, and that great excitement existed in Lanarkshire in regard to it, the Home Secretary would consider whether he could not introduce into the Coal Mines, &c. Regulation Bill some provision to meet the grievance to which he had referred?

MR. MATTHEWS said, he should be most happy to pay the fullest attention to any grievance that existed; but the grievance stated in the Question of the hon. Member was met by the existing law. He was not quite sure that he apprehended what more the hon. Member wished him to state.

MR. ARTHUR O'CONNOR (Donegal, E.) asked, whether the Home Secretary was aware that the point had been decided against the miners within the last fornight?

MR. MATTHEWS: I must ask Notice of that. I am not aware of it.

LITERATURE, SCIENCE, AND ART—THE NATIONAL GALLERY — THE STEPS TO THE NEW ROOM.

MR. CUNNINGHAME GRAHAM (Lanark, N.W.) asked the First Commissioner of Works, If it is contemplated to replace the existing mean stone steps that lead to the new rooms of the National Gallery by steps of unpolished marble more suitable to the surroundings?

THE FIRST COMMISSIONER (Mr. PLUNKET) (Dublin University): The question of the material to be used in the steps of the new staircase of the National Gallery received my full consideration; and, having regard to the constant heavy wear upon these steps, especially at holiday times and in bad weather, it was decided that, in the circumstances, Craig-Leith stone, which has been used, was a more suitable material for the position than marble. There is no intention of making any change in these steps.

LABOURERS (IRELAND) ACTS — RETURNS.

MR. W. J. CORBET (Wicklow, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, as President of the Local Government Board, If his attention has been drawn to a Return just laid upon the Table, showing the working of the Labourers Acts (Ireland); whether he has observed that the total number of cottages applied for to the 31st March last is 18,218, the total number erected being 1,633, the cost of erection £153,240 19*s.* 5*d.*, and the cost of preliminary expenses £55,026 18*s.* 6*d.*, including £3,020 2*s.* for shorthand writers, £3,195 12*s.* costs of solicitors and counsel incurred by Local Government Board, expenses of Medical Reports £3,906 10*s.* 2*d.*, solicitors' expenses £11,135 1*s.* 7*d.*, expenses of defending appeals against cottages authorized £1,754 11*s.*, besides an item of £20,138 16*s.* 11*d.* under the head of "other expenses;" whether he has observed that in 55 out of the 93 unions included in the Return, no cottages have been built, and if it is a fact, as shown in the Return, that a sum of £13,421 11*s.* 2*d.* has been spent in these 55 unions without anything to show for it; whether, looking to the number of headings under which the expenses are given in detail, he can say what the £20,138 16*s.* 11*d.*, given as other "expenses," was for; and, whether he will consent to the appointment of a Commission of Inquiry into all the circumstances connected with the working of these Acts?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the figures were substantially correct. A comparison could not well be drawn from the preliminary expenses and the number of cottages actually erected, as most of these were for schemes as well as the cottages applied for. With regard to the 3rd paragraph, it related to schemes put forward and not subsequently carried out. The amount of £20,138 16*s.* 11*d.* was for expenses, including the cost of printing notices, maps, and plans, payments to clerks and Returning Officers, and such other incidental expenses not expressly mentioned. The Government had now under consideration the question of appointing a Committee to look into the whole working of these Acts.

SPAIN—ALLEGED SHOOTING OF AN ENGLISH SEAMAN BY A SPANISH SENTRY AT BILBAO.

ADMIRAL FIELD (Sussex, Eastbourne) asked the Under Secretary of State for Foreign Affairs, Whether he has inquired into the truth of the report of an English merchant seaman having been deliberately shot dead by a Spanish sentry in the port of Bilbao, whilst on the quay near to his ship; and, whether satisfaction for the outrage, if true, has been demanded, together with compensation for the poor man's family?

MR. PICKERSGILL (Bethnal Green, S.W.) asked, Whether the Under Secretary's attention had been drawn to a letter in *The Standard* of last Saturday, in which it was stated that serious outrages were constantly being committed on English subjects by Spaniards; whether he had any information in his possession confirming that statement; and whether he would communicate with the English Consuls on the subject?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): The occurrence referred to by the hon. and gallant Admiral took place on Sunday, July 1st. The Consul at Bilbao reported it, and stated that he was taking the depositions in the case; that the Military Commander had promised a strict inquiry, and that the sworn Consular depositions should be attached to his proceedings. Whilst the investigation is being made it is premature to pronounce on the propriety of a demand for compensation. With regard to the Question put by the hon. Member opposite, we have certainly noticed cases of outrage committed on British subjects. These have been immediately inquired into by the British Representative.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—THE NAVAL REVIEW OFF SPITHEAD—THE ACCIDENT ON BOARD THE GUNBOAT "KITE."

ADMIRAL FIELD (Sussex, Eastbourne) asked the First Lord of the Admiralty, Whether, in view of the lamentable accident which occurred on board a gunboat whilst saluting at the Naval Review, the "Lords Commissioners of the Admiralty" will require that the Regulations, which prohibit vessels armed with such few guns from saluting at any time, be strictly enforced in future?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): The *Kite* formed one of a group of gunboats combined for the purpose of firing a salute, of which her share was three rounds from each of her guns. This combination was arranged in order to meet the spirit of the Regulations referred to, which are intended to prevent any single vessel with a small number of guns having to fire salutes. I do not consider that the incident involved any breach of the instructions. The accident was certainly not due to any necessity for maintaining a rapid fire.

Admiral FIELD asked, whether the views which the noble Lord had just expressed were those of the Lords Commissioners of the Admiralty?

Lord George HAMILTON: Certainly.

CRIMINAL LAW AMENDMENT (IRELAND) ACT—PROCLAMATION OF CO. KILDARE—MR. JUSTICE HARRISON'S CHARGE AT KILDARE.

Mr. CAREW (Kildare, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention had been called to the fact that Mr. Justice Harrison, in his Charge to the Grand Jury of County Kildare at the recent Assizes, said—

> "There is nothing in the statistics of the county, or in any of the Returns, that calls for any remark from me as reflecting on the peace and good order in this fine County of Kildare;"

and, whether, if the information which he has received as to the condition of the county does not agree with the information received by the Judge, he will state the grounds upon which the county has been proclaimed under the Criminal Law Amendment (Ireland) Act?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: Sir, in proclaiming the county under the two clauses of sub-section 3 the Government were influenced by the considerations already described in answer to a Question put by the hon. Member for Fermanagh (Mr. W. Redmond). I may add also that there are 59 persons, more or less, Boycotted in the county, and that intimidation in the county is sufficiently proved by the Nationalist Press itself.

Mr. SEXTON (Belfast, W.): With respect to the case of Kildare, I have to ask how it is the Government have proclaimed it under the clauses relating to forcible possession and assaults upon constables, &c., seeing that the Inspector General reports there has not been for the last six months one case of forcible possession or assault upon any minister of the law, or one case of intimidation either by threatening letter or otherwise? I would further ask if intimidation exists in the County Kildare, why the Government did not proclaim it under Sub-sections 1 and 2, which relate to intimidation, and not under Sub-sections 2 and 3, in respect of which no offences have been committed in the county?

Colonel KING-HARMAN said, that the Government did not wish to impose the more severe provisions with regard to Kildare, because only certain portions of the county were in a bad state, the other parts being fairly well conducted. [The right hon. and gallant Gentleman quoted a case from a Nationalist newspaper, in which a man was stated to have attended a meeting in order to apologize for having shod the horse of a land-grabber, and in order to make a pledge that he would not again work for such a person.]

Mr. SEXTON: On that case—[*Interruptions*]—hon. Members must have patience, for this concerns the liberties of our people—I have to ask the right hon. and gallant Gentleman whether the case cited in justification of the Proclamation does not come under the subsections of Clause 2, and not under the sub-sections under which the county is proclaimed?

Colonel KING-HARMAN: If the hon. Gentleman desires that the county should be proclaimed under the more severe section it can be done.

THE MAGISTRACY (IRELAND)—ISSUE OF SUMMONSES, CO. KILDARE.

Mr. CAREW (Kildare, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, with reference to the conduct of Mr. William Tyrrell, J.P. of Ballinderry, County Kildare, Whether he will state the name of the magistrate who issued the summonses against Thomas Killeen, of Cardenstown, and the Widow Munroe, of Colehill, County Meath, also the name of the magistrate who directed Mr. Tyrrell to serve the summonses; whether it is in accordance with practice for a magistrate to act as a summons server in any case; whether he can now mention the number of witnesses examined on behalf of the complainant; by what authority Major Traill, R.M., who heard the cases, allowed 10*s.* 6*d.* costs in Killeen's and £1 in Widow Munroe's case; whether he offered to increase the costs against Killeen to £1 if Mr. Tyrrell cared to accept them; and, how these costs were respectively made up, considering that no solicitor was employed in either case?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The summonses for trespass against Killeen and Munroe were issued by Mr. Handy, J.P., and Mr. Odlum, J.P., respectively, and they also authorized Mr. Tyrrell to serve them. 14 & 15 *Vict.* c. 93, s. 12, Clause 2, allows any person other than the summons-server whom the complainant shall employ to serve a summons, if the Justice issuing the same shall so direct or permit. Mr. Tyrrell, therefore, legally served the summons. One witness in *re* Killeen and one witness in *re* Munroe were examined on behalf of the complainants. Costs were awarded in each case under the authority of 14 & 15 *Vict.* c. 93, s. 22, Clause 9, and in the amount that seemed fit to the Bench of Justices hearing the cases.

EDUCATION COMMISSION — AMOUNT AND DISPOSITION OF CHARITIES IN WALES AND MONMOUTHSHIRE.

MR. T. E. ELLIS (Merionethshire) asked the Vice President of the Committee of Council on Education, How soon, and what, steps will be taken to complete and publish information respecting the amount and disposition of charities in Wales and Monmouthshire?

THE VICE PRESIDENT (Sir WILLIAM HART DYKE) (Kent, Dartford): I can only refer the hon. Member to the statements made in the course of the debate on the Vote for the Charity Commission by my hon. Friend the Secretary to the Treasury and myself, to the effect that the information required could not be obtained without an increase of the staff of the Commission. Much information on this subject is to be found in Lord Robert Montagu's Return of 1866-1876, in which the particulars of the Charities then known to exist are stated county by county. On any specific point the Charity Commissioners will be ready to furnish the hon. Member with information, if he will call at their Office.

LAW AND POLICE (METROPOLIS) — CHARGE OF ASSAULT AT BOW STREET POLICE COURT—MISS PARTON'S CASE.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the Secretary of State for the Home Department, Whether his attention has been called to a case heard by Mr. Bridge at Bow Street Police Court, on Friday, in which Miss Rosa Parton charged Police Constable James Butler, a warrant officer of the Clerkenwell Police Court, with an assault upon her; whether Miss Parton stated, that on the 16th June, whilst attending at the Clerkenwell Police Court as a prosecutrix, Constable Butler

> "Struck her three sharp blows on the breast, from the violence of which she almost fainted;"

whether Mr. H. G. Sworn, M.R.C.S., of 16, Albion Road, Holloway, stated that he—

> "Examined Miss Parton, and found on her breast a large bruise, three inches by six inches, badly swollen; and that a mere push would not have produced what he saw; it must have been a blow;"

whether Miss S. C. Parton, the complainant's sister, stated, that on the day of the assault she told the magistrate, Mr. Barstow, when they got into the Court, that her sister had been assaulted by the constable at the door, and that—

> "Mr. Barstow was very rude to her; told her not to tell lies; that he didn't believe a word she said; and that they had all been together in a pot-house drinking;"

whether, although complaint of the assault was made on the 16th June to the Inspector of Police, Constable Butler was allowed, after three days' interval, to resume his duties at the Clerkenwell Police Court; whether the Commissioners of Police suggested to Mr. Barstow that it might be well to remove Constable Butler from the Clerkenwell Police Court; whether Mr. Barstow declined to assent to that being done; what course the Home Secretary now proposes to take with reference to the conduct of Constable Butler; and, whether he will ask the Lord Chancellor to inquire into the truth of Miss S. C. Parton's complaint again Mr. Barstow?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I have obtained a Report and a copy of the evidence from Mr. Bridge, before whom Miss Parton's case against the constable was tried. It appears from the Report that she did state the constable hit her three blows quick on the chest backhanded; but not that she nearly fainted from their violence. The doctor made the statement contained in the Question. The constable did not make his defence, as the charge was withdrawn by the complainant in consideration of his good character and long service, and because she was unwilling that he should lose by conviction the advantages he had thus gained. She thought, also, that the strong words used by the magistrate with reference to the duty of constables at all times to avoid being rough or violent would prevent the occurrence of any violence in the future. The constable, also, through his counsel, expressed his profound regret, and stated that he was quite unconscious of having caused any injuries. Under these circumstances, I propose to inquire further into the constable's antecedents before deciding what further action should be taken with regard to him. The Commissioner of Police did not suggest to Mr. Barstow that it might be well to remove the constable from the Court. I have also obtained a Report from Mr. Barstow. He denies saying to the lady that she told lies, or using rude expressions of any kind. He did say that the attractions of the public-house over the way were the common cause of parties failing to attend when called. He also said that he did not believe her when she said that she had been all the time in the waiting-room. I regret that the magistrate should have made use of these expressions, and I think that the facts seem sufficiently ascertained by the inquiry already made.

HOUSE OF COMMONS—VENTILATION OF THIS HOUSE.

Mr. WARMINGTON (Monmouth, W.) asked the First Commissioner of Works, Whether his attention has been directed to the offensive and injurious smells prevalent in the House and the corridors; and, whether he can state the cause of such smells; and, what steps, if any, have been taken to remove the cause of such smells, and to insure, as far as practicable, purity of air in the House, its corridors, and offices?

The FIRST COMMISSIONER (Mr. Plunket) (Dublin University): My attention has been, from time to time, directed to the offensive smells prevalent in this House and its corridors, and very recently. I am perfectly satisfied that they do not proceed from any defect in the drainage of the Palace, which is, I believe, now in as perfect a state as modern science can make it. I have no doubt that these smells come to us from outside. Observations are being made; but we have not yet been able to trace the smells to their true origin.

Mr. ISAACS (Newington, Walworth) asked, whether the right hon. Gentleman would put himself into communication with the police on duty in and near the House, in order that they might report upon the emanation of the noxious smells from gullies and ventilators, so that these smells might be traced to their source?

Mr. CHANNING (Northampton, E.) wished to know whether it was not a fact that the worst smells came from the quadrangle between that part of the House—the Opposition side—and the Tea Room?

Mr. PLUNKET said, he was afraid that the smells from the quadrangle could be equalled by those which he himself had detected on the Government side of the House. He would be glad to accept the suggestion of his hon. Friend (Mr. Isaacs); but he did not think that this kind of offender could be arrested.

ADMIRALTY—NAVAL RESERVES—THE COASTGUARD—H.M.S. "SHANNON."

Dr. TANNER (Cork Co., Mid) asked the First Lord of the Admiralty, If it is a fact that a number of Coastguards stationed in the South of Ireland, latterly received orders to join H.M.S. *Shannon*, as part of her crew, on the 5th instant; whether 21 of these men, Coastguards from the Cork District, after answering the summons, on arriving on board, were then informed their services were not required; whether these men's fares and return fares are to be paid by the Admiralty; and, what individual is responsible for the alleged blunder?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): The facts are generally as stated. After the embarkation of the Queenstown Division of Coastgurdsmen had been ordered it was decided to replace 20 of them with a corresponding number of Royal Naval Artillery Volunteers. The *Shannon* having proceeded to sea, the telegram ordering this change did not reach her in time to stop the men from starting for Bantry. There is no intention of charging the railway fares against the men.

POLICE COURTS (METROPOLIS)—THE HAMMERSMITH POLICE DISTRICT.

MR. FISHER (Fulham) asked the Secretary of State for the Home Department, Whether he can now say when the establishment of a whole day Court for the Hammersmith Police District, in accordance with the promise given by him, will be carried into effect; whether, when that change takes place, it is intended to enlarge and improve the Police Court of the District; and, whether, unless such alterations are to be speedily undertaken, he will at once take steps to better the unsanitary and indecent accommodation provided for prisoners awaiting trial who are at present huddled together for several hours without distinction of age or sex, sometimes to the number of 20 and more, in a strong room 14 feet seven inches by nine feet seven inches?

MAJOR-GENERAL GOLDSWORTHY (Hammersmith) also asked the right hon. Gentleman, Whether the Hammersmith Police Court will be a whole day Court before the winter commences, as great hardship is inflicted by the present arrangement; whether his attention has been called to the insufficiency of the buildings at this Police Court, and the desirability of increasing the accommodation both for tried and untried prisoners, and of at once re-arranging the sanitary arrangements with a greater regard to public decency; whether, as the so-called Hammersmith Police Court is situated in Fulham, and that prisoners from a very large area outside of Hammersmith are tried at the Court, he will consider the desirability of altering the name of the Court to that of "The West London Police Court," or some similar designation; and, whether he will arrange that in all cases at the various Police Courts of the Metropolis male and female untried prisoners may have separate waiting and retiring rooms, and that, as far as possible, innocent and respectable people may not unnecessarily be brought in contact with the hardened and abandoned criminal?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): In January, 1887, I addressed the Treasury, urging that the establishment of a whole day Court for Hammersmith had become necessary. The Treasury, in reply, properly urged that this result should be attained, if possible, without increased expense by the re-modelling of the existing Court districts or re-distribution of the existing magisterial staff. Thereupon, on February 21, I appointed a Departmental Committee to look into this subject. Their Report will be presented in a few days, and thereupon immediate action will be taken, as soon as Treasury sanction can be obtained and the necessary sums have been voted by Parliament. The buildings of the Police Courts are in charge of the Office of Works; and I will confer with that Department as to any alterations necessitated by making Hammersmith a whole day Court, and as to immediate steps to remedy the state of things which is described in the Questions. I may say that the whole question of the accommodation for prisoners awaiting trial at the various London Police Courts, including, of course, Hammersmith, has been since June the subject of a special inquiry conducted at my instance by Sir Edmund Du Cane. I will consider whether a change in the title of the Court now called the Hammersmith Police Court will be necessary.

LAW AND JUSTICE — PAYMASTER GENERAL OF THE COURT OF CHANCERY.

MR. HENNIKER-HEATON (Canterbury) asked the Secretary to the Treasury, Whether it be true that, owing to the irregularity of an official, the Paymaster General of the Court of Chancery now pays all sums over £20 in crossed cheques without the consent of the payee, thus causing considerable inconvenience to persons who do not keep banking accounts?

THE SECRETARY (Mr. JACKSON) (Leeds, N.), in reply, said, that the statement was correct; but its *raison d'être* was not set forth in the Question. The practice was in conformity with that followed in other Departments and in mercantile transactions. It was not causing any inconvenience.

CRIMINAL LAW AMENDMENT (IRELAND) ACT—PROCLAMATION OF CO. DOWN.

MR. M'CARTAN (Down, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he can state on what grounds the County of Down has been proclaimed under the Criminal Law Amendment (Ireland) Act by the Lord Lieutenant?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The reasons for proclaiming County Down are the same as those for proclaiming Kildare—some portions of the county are in a state of disturbance.

MR. SEXTON (Belfast, W.): I have to ask, as this is the fourth Irish county mentioned on the Paper to-day—Fermanagh, Kildare, Westmeath, and Down—proclaimed in respect of taking forcible possession and assaults on the officers of the law, although the Inspector General says not one of these offences has been committed in any of these four counties—whether the Irish Government have proceeded on the principle of proclaiming counties in respect of offences which have not been committed?

COLONEL KING-HARMAN: I think the Chief Secretary gave a sufficient answer to this the other day, when he said that in all the counties where intimidation prevails—and that, I am sorry to say, is more or less the case in every county in Ireland—the Government have taken the precaution of proclaiming the county under the minor and more clement clause of the Act.

MR. SEXTON: Is the House to take the personal statement of the right hon. and gallant Gentleman against the official Report of the Inspector General, who stated that there was no case of intimidation in these counties? Does the right hon and gallant Gentleman expect the House to believe there is intimidation?

MR. SPEAKER: Order, order!

MR. SEXTON: I did not mean these words in any offensive sense.

MR. SPEAKER: I interrupted the hon. Member because he was putting his question in an argumentative form.

MR. SEXTON: I would ask the right hon. and gallant Gentleman, does he question the statement made by the Inspector General that there is not a single case of intimidation, either by threatening letter or otherwise, in any of these four counties?

COLONEL KING-HARMAN: If Boycotting can be carried on without intimidation the statement may be correct; but as Boycotting exists in all these four counties, I hold there is intimidation.

MR. SEXTON: Is it a fact that Boycotting does not come under paragraphs B and C of the section under which these counties have been proclaimed?

MR. R. T. REID (Dumfries, &c.): Will the right hon. and gallant Gentleman kindly furnish the House with the information and the Reports on which he has acted?

COLONEL KING-HARMAN: No, Sir. They are confidential Reports.

MR. M'CARTAN: Is the right hon. and gallant Gentleman aware that in the case of County Down the Report of the Inspector General shows that from the 1st of January, 1885, to 31st March, 1886, not a single offence of any kind has been committed; and from the 31st March to the 30th June this year only one case—a case of firing—occurred, where an anti-Nationalist attacked the house of Mr. Heron, of Killala, when several parties were arrested, and the magistrate acquitted them all but one?

COLONEL KING-HARMAN said, that was a matter of detail which he did not remember.

MR. T. M. HEALY (Longford, N.): I wish to ask the right hon. and gallant Gentleman, in reference to the answer he has just given, if the House is to understand that the confidential Reports furnished by officials and Police Authorities clash with the published Reports made by the same Gentlemen to the House of Commons?

MR. SEXTON: I wish to ask the right hon. and gallant Gentleman whether, as the Government rely in justification of the Proclamation of the Irish counties upon casual mention in debate of the number of persons Boycotted and receiving police protection he will lay before the House, without naming the districts or identifying the persons, a Return of the number of persons in each county either Boycotted or receiving police protection?

COLONEL KING-HARMAN: If the hon. Gentleman will give Notice of this Question it will be considered.

THE LAND COMMISSION COURT—THE COURT VALUER'S VALUATION.

MR. MAHONY (Meath, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he will state the exact date at which the Land Commission adopted the practice of sending a statement of the amount of the Court valuer's valuation by post to the litigants before the hearing of the cases; and the number of appeals lodged respectively during the 12 months previous and the 12 months subsequent to the adoption of this practice?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the Land Commissioners reported that there was no record of the exact date on which the practice of sending the amount of the Court valuer's valuation was adopted; but they believed it was adopted early in 1883. The number of appeals lodged in 1882 was 5,318; and the number in 1883 was 7,880.

HOUSE OF COMMONS—ELECTRIC COMMUNICATION WITH THE LIBRARY.

MR. KELLY (Camberwell, N.) (for Mr. RADCLIFFE COOKE) (Newington, W.) asked the First Commissioner of Works, Whether it is his intention to ask for a Vote of money this Session, so as to enable him to execute during the Recess the works necessary in order to put this House in electric communication with the Library, in accordance with the plan which he has already announced to the House?

THE FIRST COMMISSIONER (Mr. PLUNKET) (Dublin University): It is not my intention to ask for a Vote this Session; but the question will, I hope, be considered in connection with the Estimates for 1888-9.

TECHNICAL INSTRUCTION (SCOTLAND) BILL—LEGISLATION.

SIR CHARLES DALRYMPLE (Ipswich) asked the Lord Advocate, Whether it is necessary to have a separate "Technical Instruction Bill" for Scotland; and, whether it would not be possible, by adaptation of wording or addition of clauses, to have one Bill only, and so avoid a discussion of two measures, and the needless introduction of separate legislation for different parts of the United Kingdom? The hon. Baronet added that the Question was put on the Paper a few days ago with the view of accelerating Business.

MR. MUNRO FERGUSON (Leith, &c.) asked, as arising out of this Question, Whether it would not be a more simple and expedient course, in view of the different educational systems of England and Scotland, to deal with technical education for Scotland in a separate Bill enabling Scotch School Boards to apply the rates to technical education, as they now did to higher education?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): There is grave reason to doubt whether the attempt to have one Bill only for both countries would not add to, rather than diminish, difficulties attending the passing of legislation for the promotion of technical education, and complicate rather than simplify discussion. From communications received from many quarters, I fear my hon. Friend is mistaken if he supposes that his proposal would be received with favour in Scotland. With reference to the supplementary Question of the hon. Member for Leith, the proposal he makes will receive very careful consideration.

RAILWAYS — THE THAMES AND SEVERN CANAL NAVIGATION.

MR. HOLLOWAY (Gloucestershire, Stroud) asked the Secretary to the Board of Trade, Whether it is intended by the Board of Trade to publish with the Papers relating to the Thames and Severn Canal the Memorial presented to the Board on 29th November, 1886, from Mr. John H. Taunton, M.Inst.C.E., the late Engineer and General Manager of the Thames and Severn Canal, and a shareholder in that undertaking; and, whether the Board of Trade will take immediate steps for removing all control of the affairs of the Thames and Severn Canal Navigation from the Great Western Railway Company their nominees and agents?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): It is not proposed to present any further Papers, and the Board of Trade have no authority under any Act of Parliament to proceed in the way suggested by the hon. Member. The President of the Board of Trade has, however, directed Mr. Courtenay Boyle, the Assistant Secretary Railway Department of the Board of Trade, to visit the locality and to make inquiries with the view of ascertaining whether any, and if so what, arrangements can be made to place the control of the navigation in the hands of the proprietors of the adjacent canals. Mr. Boyle is at the present moment engaged in making these inquiries on the spot.

ELECTORS IN DRAINAGE DISTRICTS (IRELAND)—LEGISLATION.

MR. COX (Clare, E.) asked the First Lord of the Treasury, Whether, in view of the legal rights of joint ownership conferred upon tenants in Ireland, the Government will introduce, and press forward this Session, a short Bill providing for the qualification of tenants, holding under statutory terms, as electors in drainage districts in Ireland?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster), in reply, said, this was not so simple a matter as the hon. Gentleman appeared to think. The whole question had been very carefully considered by the Royal Commission on Irish Public Works; and he was afraid it would be impossible for the Government to deal with the subject in the course of the present Session.

MR. COX asked the right hon. Gentleman, if he was aware that the right hon. Member for Newcastle (Mr. John Morley), when he occupied the post of Chief Secretary, promised to bring in a Bill dealing with this subject?

MR. W. H. SMITH said, he was not aware of the fact. The Royal Commission did not recommend any such complete measure as that suggested by the hon. Member.

METROPOLIS—CHARGES AGAINST THE METROPOLITAN BOARD OF WORKS.

MR. J. ROWLANDS (Finsbury, E.) asked the First Lord of the Treasury, Whether, having regard to the recent allegations of jobbing at the Metropolitan Board of Works, and to the numerous similar charges which have from time to time appeared in the public Press, the Government will support the appointment of a Select Committee to inquire into the action of the members and officers of the Board in dealing with the purchase, sale, and letting of property?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): I am informed that the recent allegations have already been fully inquired into and reported upon by a Committee of the Metropolitan Board. I have no information as to the "numerous similar charges" referred to in the Question; and I am not aware of any reason which would justify the Government in appointing a Select Committee to inquire into the action of the Board.

SUPPLY—COMMITTEE ON THE CIVIL SERVICE ESTIMATES.

MR. HANBURY (Preston) asked the First Lord of the Treasury, Whether, in view of the evidence as to the possible reductions and incomplete audit of expenditure given before the Committee on Army and Navy Estimates, and of the late period at which the Civil Service Estimates are being brought forward this year, he will advise the appointment, early next Session, of a Committee to investigate the Civil Service Estimates, similar to that now sitting upon the Estimates of the War and Admiralty Departments?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): This is a very serious question, and it will receive the consideration of the Government during the Recess. I am not in a position to give any further information at the present moment.

INDIA — EAST INDIA REVENUE ACCOUNTS — THE ANNUAL FINANCIAL STATEMENT.

MR. R. T. REID (Dumfries, &c.) asked the First Lord of the Treasury, Whether, having regard to the fact that there has been no opportunity of discussing Indian questions this Session, and the extreme importance of these questions, he will take care that the Indian Budget is brought on before the 12th August, and while there is still a good attendance of Members in the House?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster), in reply, said, the hon. and learned Member ought to be well aware that it was not in his power to name a date on which the Indian Budget could be introduced, and it was not in his power to express an opinion when it would be possible to do so. He should be exceedingly glad if it were possible to do so on or before the 12th August.

MR. BRADLAUGH (Northampton) gave Notice that when it was introduced he should raise the question of Burmah.

MR. W. H. SMITH said, ample Notice of the introduction of the Budget would be given.

THE CHARITY COMMISSION — INTERMEDIATE EDUCATION, WALES.

MR. T. E. ELLIS (Merionethshire) asked the First Lord of the Treasury, Whether he is aware that the Charity Commissioners have suspended their operations in Wales owing to the expectation, confirmed by the promises of successive Ministries, that a measure dealing with Welsh Intermediate Education would be introduced; and, whether, in view of the need of such a measure, the Government will undertake to introduce a Welsh Intermediate Education Bill at the beginning of next Session?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): The question will be considered during the Recess with a view to legislation next Session?

MR. MUNDELLA (Sheffield, Brightside): Is the right hon. Gentleman aware that that is exactly the promise which was given by his Predecessor last Session?

MR. W. H. SMITH: I am not aware of it.

MR. T. E. ELLIS: The operations of the Commissioners have been suspended six years. Cannot a pledge be given that a Bill shall be brought in at the commencement of next Session?

MR. W. H. SMITH: I hope it may be possible; but I cannot give a definite engagement.

LICENSING LAWS—LEGISLATION.

SIR WILFRID LAWSON (Cumberland, Cockermouth) asked the First Lord of the Treasury, Whether, seeing that the promised Local Government measure comprising alterations in the Licensing Laws has been abandoned for this Session, and seeing that no opportunity has been afforded for the discussion of the Resolution endorsing the popular veto, Her Majesty's Government will, following the precedent of 1871, introduce a suspensory Bill prohibiting the issue of any fresh licences at the next Annual Licensing Sessions throughout the country?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): The hon. Baronet must be perfectly aware that a measure of this kind would not be either short or simple. It is a measure which will lead to great opposition, and I cannot undertake that it will be introduced this Session.

BUSINESS OF THE HOUSE — COAL MINES, &c. REGULATION BILL.

MR. P. STANHOPE (Wednesbury) asked the First Lord of the Treasury, Whether he is now in a position to definitely fix a day when the Coal Mines, &c. Regulation Bill will be taken?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster), in reply, said, he must repeat the answer he had already given to hon. Members, that until he could see a little further as to the progress of Public Business he was unable to name a day for proceeding with the Bill.

MERCHANDISE MARKS LAW CONSOLIDATION AND AMENDMENT BILL.

In reply to Mr. KING (Hull, Central),

THE UNDER SECRETARY OF STATE FOR INDIA (Sir JOHN GORST) (Chatham) said, the Secretary of State for India had called the attention of the Indian Government to the Merchandise Marks Bill, and recommended there should be legislation in India upon the subject.

PUBLIC BUSINESS.

SIR WILLIAM HARCOURT (Derby): I wish to ask the First Lord of the Treasury, When he will state to the House what Bills he intends to proceed with this Session? I think it would be a great convenience to the House if, before the close of this week, we have some notion of what is the future legislation which the Government intend to proceed with this Session.

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): I have already determined to state the views of the Government with regard to the legislation of this Session on Monday. I think it will be more convenient that I should do so then, as I think the statement will be more complete than any I could make at the present moment.

MR. BROADHURST (Nottingham, W.): Is it the intention of the Government to go on with the Allotments Bill on Monday?

MR. W. H. SMITH: We certainly hope to do so.

Mr. PICTON (Leicester): Can the right hon. Gentleman tell us when Supply will be taken again?

Mr. W. H. SMITH: If the hon. Gentleman will tell me when the Irish Land Law Bill will be out of Committee I will answer his Question.

Mr. PICTON: Are we to understand that Supply will not be taken again until the Irish Land Law Bill is out of Committee?

Mr. W. H. SMITH: I must reserve my answer to that.

Mr. BURT (Morpeth) asked, whether it was likely that the Coal Mines, &c. Regulation Bill would be taken next week?

Mr. W. H. SMITH said, the Bill would be taken next after the Irish Land Law Bill, except in so far as the exigencies of Supply would compel them to take Supply. The Government would be under the absolute necessity of taking Supply next week, as it was utterly impossible to go on without certain Votes; and, therefore, he was unable to indicate a day when the Bill would be taken.

LUNACY DISTRICTS (SCOTLAND) BILL.

Mr. E. ROBERTSON (Dundee) asked the First Lord of the Treasury, Whether an attempt would be made to reach the Lunacy Districts (Scotland) Bill to-night?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): It will be impossible to take that Bill this evening. We cannot afford the time.

CRIMINAL LAW AMENDMENT (IRELAND) ACT—PROCLAMATION OF CO. KILKENNY.

Mr. CHANCE (Kilkenny, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, in view of the fact that the County of Kilkenny had been proclaimed under all the provisions of the Criminal Law Amendment (Ireland) Act, save those relating to illegal Societies, would he take steps to have withdrawn the statistical statement that within three months only one offence occurred, and that a threatening letter, and to punish the persons who had so grossly misled the House, according to the allegation of the right hon. Gentleman?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.) said, he should decline to answer the Question.

DISTRESSED UNIONS (IRELAND) BILL.

Mr. DILLON (Mayo, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, What course he intended to pursue in relation to the Distressed Unions (Ireland) Bill?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.) said, that would depend upon the hon. Gentleman himself, seeing that he had himself put down a block to the Bill.

Mr. DILLON said, his object in putting a block to the Bill was to insure its being discussed before 12 o'clock at night.

CRIME AND OUTRAGE (IRELAND) — STATISTICS.

Mr. T. M. HEALY (Longford, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the information laid before Parliament by the Parliamentary Under Secretary for Ireland, relating to police statistics as to Irish crime in the last six or seven years, during which time the House had passed so much criminal legislation, did not give an entirely incorrect view of the real state of crime prevailing in Ireland; and, if so, whether the Government would not take steps which would give to the House a true picture of the terrible state of affairs in Ireland?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): The statement of the Parliamentary Under Secretary for Ireland is perfectly accurate. I have improved the method of taking statistics since I have been at the Irish Office; and if the hon. and learned Member has read a Memorandum which I laid on the Table of the House with reference to statistics, he will see that the statement of the Under Secretary is practically confirmed. A full and complete view of agrarian crime in Ireland cannot be obtained from Police Returns.

Mr. T. M. HEALY: I read the right hon. Gentleman's Memorandum, which I think quite misleading. I would like to ask him what means he proposes to take—it cannot be done by magic lantern —to give the House a complete view of the lurid state of Ireland alleged to exist?

Mr. A. J. BALFOUR: I cannot deal with that question in the course of an answer; but I will ask the hon. and learned Gentleman to recollect that I have said that every statement made statistically about crime in Ireland errs —if it does err—by being under the mark.

MR. T. M. HEALY: I wish to ask, whose fault it is that every statement made with respect to crime in Ireland is under the mark; and what steps have been taken to punish the persons who have hitherto been misleading the House?

[No reply.]

PARLIAMENT — STATE OF PUBLIC BUSINESS—THE IRISH LAND LAW BILL.—STATEMENT.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): Before we proceed to consider the Orders of the Day, I wish to refer to the state of Public Business, and to ask the attention of right hon. Gentlemen and hon. Gentlemen opposite below the Gangway. I have already stated to the House that it will be absolutely necessary that we should go into Committee of Supply in the early part of next week. As I believe that right hon. and hon. Gentlemen opposite are most desirous that the Irish Land Law Bill should be speedily passed, I wish to appeal, with the most perfect good faith and good feeling, to them to assist the House and the Government in proceeding with the consideration of the Bill in Committee with as great rapidity as is compatible with the very important considerations that are involved within the four corners of the measure. It is, I am sure, the desire of the House that the Bill should be speedily passed into law. The Bill restrains, or it is intended to restrain, any cruel or harsh action on the part of the landlord, and it must be obvious that delay—and serious delay—puts it in the power of those who wish to deal harshly with their tenants to do so. That is only one argument which I might use to hon. Gentlemen. But the state of Business, the period of the Session, and the circumstances under which we are placed, will make it exceedingly difficult to carry the Bill into law unless it is passed through Committee in the very earliest day of next week. I use no threat and make use of no word of menace. I am most anxious that it should be passed, and I ask the assistance of all who are desirous that it should be passed, in order that delays which may have the most serious effect upon the Bill may not take place.

SIR WILLIAM HARCOURT (Derby): I am sure that there will be every feeling on this side of the House—both above and below the Gangway—to do everything to expedite the passing of this Bill, consistently, of course, with the fair and full discussion of the very important matters contained in it. I hope that the Bill may be passed at an early period; but that must depend, of course, upon the nature of the questions which arise. The urgency of Supply will not interfere with the proper discussion of this Bill. The Government, if they want any Vote in Supply, can take it any day. Therefore, I hope that the discussion on this Bill may go on. We have only been considering the Bill in Committee for three days, and a great deal has been done in that time. I do not think that hitherto there has been any undue discussion, and I hope that the Bill will progress in that manner.

ORDERS OF THE DAY.

——o——

IRISH LAND LAW BILL [*Lords*].

[BILL 308.]

(*Mr. A. J. Balfour.*)

COMMITTEE [*Progress 27th July.*]

[FOURTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

Amendments of General Application.

Clause 4 (Substitution of a written notice for execution of an ejectment).

Amendment proposed, in page 2, line 37, to leave out the words "does not exceed one hundred pounds," and insert the words "exceeds fifty pounds."

Question, "That the words 'does not exceed one hundred pounds' stand part of the Clause," put, and *agreed to.*

MR. CHANCE (Kilkenny, S.): After the declaration we have heard from the right hon. Gentleman (Mr. W. H. Smith), although I think that the Amendment in my name is an important one, I desire to withdraw it from the Paper, in order that we may pass to Amendments of still greater importance.

Amendment, by leave, *withdrawn.*

MR. MAURICE HEALY (Cork): I confess that I do not know on what principle the authorities in the other

Chamber proceeded when they inserted in the Bill the words I propose to omit —for I think I am right in saying that they were not in the Bill originally. If the landlord is to make use of this clause whenever he likes, then I think it is a matter of common sense to make it universal in its character; but the idea of providing that the clause should be restricted to tenancies of £100 a-year, and then proceeding to say that the landlord, if he likes, may extend it to all other tenancies, is to my mind monstrous. I invite the right hon. Gentleman the Chief Secretary for Ireland to explain the position taken up by the other Chamber, because I have some difficulty in understanding the reason which induced them to insert these words. Do they think that Irish Members are so exceedingly simple that they are to be imposed on by the very transparent device of these words which make the clause universal in effect? If the clause is intended to be universal, the honest thing is to make it universal in so many words, and not pretend that you are doing something else. I invite the right hon. Gentleman the Chief Secretary to say on what principle he defends this wording. He has admitted that the effect of the words is to abolish tenancies of under £100. It is perfectly clear that this is eviction; and, that being so, it is idle to say you are placing any restriction on the clause when you leave it to the landlord's option to say whether it shall be universal or not. I therefore beg to move to leave out all the words from "and" down to "section" inclusive.

Amendment proposed, in page 2, line 37, after the word "year," leave out from the word "and" to the word "section," in line 40.—(*Mr. Maurice Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I hope the hon. Member will not think it worth while to press this Amendment. He is aware that this clause is introduced mainly on the ground of order, and I apprehend that the interests of public order are not likely to be affected in the case of tenancies exceeding £100 a-year.

MR. MAURICE HEALY: My Amendment is that the restriction of £100 should be preserved.

MR. A. J. BALFOUR: As the clause was originally drawn, there was only one class of tenancies referred to—namely, those under £100. I hope the hon. Member will not press this Amendment.

MR. MAURICE HEALY: I ask whether these words are capable of being defended or not, and, if they are, whether the right hon. Gentleman is competent to defend them? The right hon. Gentleman seems to think that we put Amendments on the Paper without considering their effect, and that it is a sufficient answer to them simply to address to us a request to withdraw them. I shall be ready to consider the course of withdrawing the Amendment when the Government have given their reasons in defence of the words.

MR. PARNELL (Cork:) It is obvious that the only result of a Member making a short speech in support of his Amendment is that the right hon. Gentleman representing the Government does not apparently take the trouble to consider the effect of the Amendments. The right hon. Gentleman having tried several interpretations of the Amendment, and found that they were incorrect, simply requested my hon. Friend to withdraw. The Amendment provides that where the rent of the holding exceeds £100 by the year the landlord shall have the option of proceeding in the face of the limitation in the previous part of the clause which renders it obligatory to proceed in this new fashion. I do not understand why you wish to give the landlord an advantage with your left hand which you take away apparently at the commencement of the clause with your right hand, and I submit that the further advantage you propose to give is unnecessary for the landlord.

MR. DILLON (Mayo, E.): The right hon. Gentleman has said that in the case of capitalist farmers there is no necessity to provide this new means, because, in their case, there is no chance of a breach of law and order. That is a strong argument in favour of my hon. Friend's Amendment. The portion of the clause which he proposes to leave out provides that in all cases of tenancies under £100 a-year the landlord must proceed by the new clause, and it goes on to say that in cases of tenancies exceeding that rental he may proceed either by the new or old method. We wish to take away from the landlord that option in the case of tenants of over £100 a-year; and it is deliberately confessed by the Government that it is for the benefit of the tenant that the landlord should not be allowed to do as he likes. Two utterly inconsistent stories are told with regard to this clause by the Government; one is that the clause is in favour of the landlord, the other that it is in favour of the tenant. If it were in the interest of public law and order to compel the landlord without option to proceed on a certain line, we could understand it to be for the benefit of the tenant; but to say that the landlord is to have this option and the tenant no option at all shows that the benefit of the tenant is altogether out of the question. Will the Government extend to the tenant the option throughout the whole of these proceedings? The Government say that this Bill is for the purpose of preventing harsh evictions; but if that is so, would not the tenant require to have the option? If the Government will make this clause optional for the tenant, I guarantee that it will be passed within the next 10 minutes. That is a fair offer, and it is a test offer. I call upon the Government to tell us whether they will make this clause optional for the tenant or not. It is an absurdity for them to pretend to engineer this Bill through the Committee, and to misrepresent the whole meaning and effect of the Amendments which we propose from these Benches. The right hon. Gentleman having got up to prove that the Amendment of my hon. Friend was unnecessary, without taking the trouble to read the 4th clause, simply says in effect—"I cannot understand it; I ask the hon. Member to withdraw his Amendment."

MR. A. J. BALFOUR: I am certainly not going to bandy words with the hon. Member for East Mayo (Mr. Dillon). I assumed from what was said by the right hon. Gentleman the Member for Derby (Sir William Harcourt) that Amendments which were not of first-class importance would be treated in the briefest manner. With reference to the suggestion made by the hon. Member for East Mayo that we should extend the option in this clause to the tenants, I have to say that I am not particularly in love with this principle of option; but I certainly cannot by any possibility assent to its extension to the tenants. If the Committee think it worth while to put the meaning of this part of the clause in an altered form I should not be disposed to offer opposition to it.

MR. T. W. RUSSELL (Tyrone, S.): I could understand this clause applying to all holdings large and small; but the Bill expressly limits its operation to farms of £100 a-year and under. I do not understand the objection to the Amendment on the part of the Government; but there is nothing to be gained by wasting the time of the Committee on such small matters as this, and therefore if the Government considers this option essential to the clause I should be sorry to stand in the way.

MR. T. M. HEALY (Longford, N.): I hope the right hon. Gentleman the Chief Secretary for Ireland will agree to strike out these words which I think must have been introduced in "another place" by Lord Fitzgerald, who is, of course, free to make ducks and drakes with the English language.

MR. A. J. BALFOUR: I am perfectly ready to restore the Bill to the shape in which it left our hands; but that is not the effect of the Amendment of the hon. Member.

MR. T. M. HEALY: We have now the Government telling us that they do not admire the words of Lord Fitzgerald. If that is so, why do you not strike them out of the Bill? You say you want to restore the Bill to its original shape, but the Chairman will not allow you. You have, therefore, no alternative but to strike out the words which you admit are ridiculous.

MR. O'DOHERTY (Donegal, N.): I do not think the Government have sufficiently considered the procedure established by the Act of 1860 with regard to evictions. There was never such a thing heard of formerly as making tenants caretakers. We have been told by the hon. and gallant Member for North Down (Colonel Waring) that the tenant was formerly seldom or never evicted; that he remained in under acknowledgment, and that it was only in case he committed waste that he was evicted. But now the landlords have discovered a defect in the Act of 1860, and they always restore their tenants as caretakers, and not under the acknowledgment form in the Act. If the landlord wished to restore a man to the position of tenant there was a provision of an Act of Parliament of which he could avail himself.

MR. PARNELL: I do not think it is worth while to prolong this discussion if the Government have made up their mind not to yield, nor do I think it necessary to take a Division on the Amendment. My hon. Friend's Amendment is in favour of tenants of over £100. I hope it will be clearly understood amongst the tenant farmers of Ulster that the Government have resisted this Amendment, which would have restored them to the position which the Bill in its first line gave them. The Bill in its first line exempts tenants of this class from the general effects of the clause; but here you put in words tantamount to a proviso giving the landlord the option of proceeding in either way. I trust the Orange tenants will understand that my hon. Friend has interfered in their behalf, and that the Chief Secretary for Ireland has committed himself to the course of opposing the Amendment.

MR. WADDY (Lincolnshire, Brigg): The peculiarity of this clause is that it is universally objected to; everyone says it is wrong. The right hon. Gentleman the Chief Secretary says he does not like the words; he makes three mistakes with regard to their meaning —good-humoured mistakes, I believe— and so it is that we find the clause is to remain in its present form, although nothing can be said in favour of it. I think we ought to say something in favour of the clause before we stultify ourselves by passing it.

Question put, and *agreed to.*

MR. O'KELLY (Roscommon, N.): The Amendments which I rise to move are consequential of one farther down the Paper, the object of which is to carry out what I believe to be the intentions of the Government in this Bill—that is to protect the tenant in his present position, and to say that nothing in this Bill shall place him in a worse position than he is now. Under the existing law the tenant has certainly six months for redemption, and by my Amendment I propose that he shall be assured of having that full time for the purpose. I might say that my Amendment, in fact, hardly goes far enough, because it does not place the tenant in as good position as he is under the existing law, inasmuch as, owing to the custom of postponing execution, the time of taking possession practically extends to nine, 12, and even 15 months in extreme cases. By the adoption of this Amendment the Government would merely place the tenant in a position to which he is now entitled by the strict letter of the law; and, under those circumstances, I trust they will agree to it, and carry out in good faith the intention of the Bill.

Amendment proposed,

In page 2, line 40, to leave out all the words after "which" to "possession" inclusive, in line 41, in order to insert the word "redemption."—(*Mr. O'Kelly.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The object of the Amendment now moved by the hon. Member for North Roscommon has to be discovered by referring to other Amendments further down on the Paper. It was considered advisable that the old powers of the Court of Chancery should be embodied in the Act of 1860, under which, without any reference to the Court of Chancery, the tenant might be in a position to go to the Court, whether the landlord liked it or not, in order to compel the landlord to take the money due, and re-admit him as tenant. So that the whole procedure of the tenant who has been evicted is governed by the provisions of the Act of 1860, which are referred to in this clause; and what I understand the hon. Member to want is to omit this statutory provision altogether. I confess that that appears to be a very dangerous and undesirable thing to do, because in 99 cases out of 100, if the tenant has the rent, he can settle with the landlord without having any recourse to the Court, for the landlord would not be particularly anxious to increase the burden of costs to no purpose, and simply for the advantage of some solicitor. As I have said, in the majority of instances the landlord, if there is to be redemption, will take the man back, and reinstate him, and if he chooses to do that it will again set up the old tenancy. But it is necessary to provide for cases of dispute; and when the parties are unable to come to an agreement, application to the Court is necessary, and the question is decided by the Court judicially. Now, this machinery of the Act of 1860 is necessary; it applies to all cases of ejectment for non-payment of rent, and I do not think it can be dispensed with. It is impossible to leave the question at large; and the Government, therefore, found it necessary to have this procedure distinctly referred to, and incorporated in this clause.

MR. O'KELLY: Will the Government introduce some more simple method of procedure?

MR. GIBSON: It appears to me that the method is simple enough already. As far as I know, in nearly every case the landlord, unless he is fit for a lunatic asylum, will take the money, and reinstate the tenant. The landlord may be a sadder man after the passing of this Bill; but I do not think the clause will drive him out of his mind. I think he will remain the same sane being as heretofore.

MR. PARNELL (Cork): This is an instance of the way in which the responsible officers of the Government who have to determine questions of policy leave the Committee in a matter of this importance. One of the main Amendments which will have to be brought on and fought out on this clause is before us; and it is under these circumstances that the higher officials of the Government —the right hon. Gentleman the Chief Secretary for Ireland and the right hon. Gentleman the First Lord of the Treasury, who appealed to the Committee to make progress with the Bill—leave behind them the right hon. and learned Gentleman the Attorney General for Ireland, who has treated his opponents with courtesy, I admit, but who, I humbly submit, is not in a position to answer with regard to questions of first-rate policy. This is one of the points to which I drew attention yesterday. It is the point which refers to the expense and difficulty in respect of the machinery necessary to be employed by the tenant in order to obtain a writ of restitution. We were informed yesterday that it was a point on which the Government were willing to meet us; but the right hon. and learned Gentleman has not attempted to meet us in any way. He simply relies on the naked words of the clause, which deprives the tenant of his old statutable right that was the substitute for the ancient Common Law right of the Irish tenants, and which relieved him of, or took away, as far as possible, the difficulties that lay in his way of obtaining a writ of restitution. Now, what are the reasons given by the right hon. and learned Gentleman? He tells us that if this clause becomes law, where a landlord is willing to accept the rent and costs, the tenant can be then restored as a present tenant, and that no landlord in his senses would do anything else but accept the rent. But the right hon. and learned Gentleman is not in the minds of the Irish landlords; and I have always understood one reason why this Bill is introduced is that there are many landlords in Ireland who have no sense, and who appear to do what would not be done by persons in the possession of reason and common sense. It is this class of landlords that we want to deal with; it is this class of landlords for whose restoration to a sanitary condition of mind the Government have brought in this Bill. The right hon. and learned Gentleman says that the landlord, if he were in his senses, would agree to reinstate the tenant in his tenancy on the payment of rent and costs. But we do not know that that will be the case, seeing that rents are to be re-adjusted, that leaseholders are to be re-admitted, from whom the rack-renting landlords have derived their chief subsistence since the Act of 1881 took the smaller tenants out of their grasp—we do not know that they will not serve these notices, which they will get with the greatest facility, and that they will not break up the status of the tenants. The effect of this will be that the position of the tenants under the Act of 1881 will be irreparably injured or lost; and that is what always happens under the so-called remedial legislation passed in this House for Ireland. Acts of the kind appear very fair; but if you take them in connection with other Acts of Parliament previously passed you will find that, while appearing to give, they in reality take away the substance. It is most deplorable that the Government should leave the right hon. and learned Gentleman—who must be an Irish landlord's man—as their only spokesman on an Amendment of this first-class character. I have shown—and it cannot be contradicted—that the landlord under this clause will have the power of obtaining a decree against the tenant before the customary time; he will then be entitled to serve this notice, and having served it the status of the tenant will cease, and he will become a caretaker. The right hon. and learned Gentleman answers this by a reference to the state of mind of the Irish landlords. I should have hoped that we might have been met in a different way on an Amendment of this character. We were told yesterday that the question of the cost of restitution would engage the attention of the Government; but we have heard nothing about that to-day. Really, this question is not arguable upon the ground put forward by the right hon. and learned Gentleman. The broad principle of my hon. Friend's Amendment is this—that the tenant shall be permitted to redeem, on payment of rent and costs due, within six months after the service of the notice. Will the Government give a straightforward answer on that question; will they allow the tenant so to redeem; will they accept this Amendment, or bring up a clause before the Committee stage is closed to carry out its intention? If not, it is certain that we shall have to fight very hard in support of the Amendment, and I trust there is sufficient justice and common sense on the Treasury Bench to say that our proposal will be entertained.

Mr. GIBSON: The hon. Member (Mr. Parnell) has said a good deal about the question of hanging gale; but the hanging gale has nothing to do with the Amendment before the Committee, because, whether the Amendment of the hon. Member for North Roscommon were agreed to or not, the question of the hanging gale would remain unchanged. The hon. Member for Cork has referred to the fact that the right hon. Gentleman the First Lord of the Treasury and the right hon. Gentleman the Chief Secretary for Ireland have left the House; but I would point out to him that it is perfectly impossible that my right hon. Friends can be present throughout the whole of these discussions; that they should not occasionally be absent for a few minutes. You cannot get rid of this question of the intervention of the Court by merely saying that a man shall be entitled to redemption if he pays the rent and costs. The landlord in the present case, when the notice is served, becomes the legal owner, and the tenant has only the equity of redemption. It is of no use your saying that the tenant is to be entitled to redemption unless he can get an order from the Court when the landlord has refused to receive the rent. As I have said, the landlord is to become owner; and if the landlord will not agree to the terms the man must apply for an order to the Court. How is this question of redemption to be settled otherwise, if the tenant offers a sum of money, and the landlord says it is not the right sum? Is the offer of a wrong sum to entitle the tenant to redemption? [Mr. Parnell: It never occurs.] The hon. Member says it never occurs; but my experience is altogether contrary on this point, and I object to the hon. Member telling me what are the facts in cases of this kind. If the restitution of the tenant does not take place, it is because the tenant and the landlord cannot come to terms; and if they cannot come to terms you must get a judicial act. If the landlord asks too much, it is the worse for him, and that is a thing which the Court would take into consideration in fixing the costs. But the question is whether the tenant, having only the equity of redemption, is to be absolutely restored to the old tenancy merely by the fact that he tenders the rent and costs? It is obvious that if the parties do not agree there must be an application to the Court. I trust I have succeeded in conveying my argument clearly to hon. Members. I think I have, at any rate, succeeded in showing that the Amendment is not of that capital kind which the hon. Member for Cork considers it to be; and, that being so, I trust we shall be allowed to get on to some more important matter.

Mr. O'DOHERTY (Donegal, N.): I have no wish to obtain a dialectical advantage over the right hon. and learned Gentleman; but I feel sure that when he sees the real nature of the case he will feel the force of my hon. Friend's Amendment. I appreciate the tone of the right hon. and learned Gentleman's answer to the hon. Member for Cork

(Mr. Parnell); but if he wishes to do justice to the tenant, as no doubt he does, he must accept the Amendment. The right hon. and learned Gentleman is under the impression that when the tenant has made a private settlement with his landlord he is restored to his old status of a present tenant; but that, I can assure the right hon. and learned Gentleman, is not the case. I have known cases where the man having paid his rent and costs has, nevertheless, been evicted upon the title, because of his allowing the six months to elapse. If the right hon. and learned Gentleman had any experience of Civil Bill Courts he would discover that this Amendment is absolutely necessary if the tenant is to have justice. I feel sure that if the noble Lord opposite the First Lord of the Admiralty (Lord George Hamilton), who is also an Irish landlord, had heard my hon. Friend's arguments, he would have seen the necessity for the Amendment. The ordinary Irish tenant will not be restored, I do not say to his former tenancy, but to any tenancy, unless at the time of the payment of the redemption money it is agreed that the money shall be taken in redemption.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

MR. O'DOHERTY, resuming, said: The tenants are, as a rule, poor and uneducated men, unacquainted with legal formalities. In their ignorance they may think that all that it is necessary to do is to go to the agent and say—"Here is the money, will you take it and set me up?" The agent before whom they go may be a dishonest man, and if the case is subsequently brought before the Court the tenant may relate what happened, but may find that, after all, he has lost his tenancy, because he may only be able to say—"Well, I went in and paid what I thought was against me, and the agent never said a word." The agent might say—"I did not say anything about his being restored—I did not intend that he should be restored, but took the money in payment of arrears," and in this way the tenant loses his tenancy. I admit that in most cases the tenant will never discover that there has been an alteration in his tenancy. What is the position of a tenancy which is created by the mere payment of rent? I say the title to a tenancy as a present tenancy is gone, and that in future the position of the tenant will be utterly and completely different from what it was before. The right hon. and learned Gentleman opposite may say—"In equity his position is the position of being restored to his former tenancy." But I very much doubt that that will be so even in equity unless there is some evidence given of an actual agreement for reinstatement, which evidence it may be impossible to get. The case has frequently arisen on applications by tenants to avoid the cost of restitution. I have been myself put in this unhappy position as to tenancies. The Sheriff of Donegal has, unfortunately, too many cases of eviction on his hands, and one of the provisions in regard to the Sheriffs is that if the landlord wants them he must pay them mileage. Well, whatever the landlord may have to pay in that way he will adopt means of recovering from the tenant—he will save a mint of money which he would otherwise have to pay for mileage under this clause. If he brings the Sheriff to a tenant's door he must pay his travelling expenses, and he cannot charge the tenant with them. But what does he do? He says to the tenant—"I will make you pay for this indirectly, if you do not make good my expenditure; I will put you to the cost of restitution." This is a system which is adopted, and I speak confidently upon the point, because I am speaking from a large experience. I was told this myself by a Sub-Sheriff to whom I went when endeavouring to save a man the costs of restitution. I said—"I will not pay the mileage, as the law says it is to be borne by the landlord, and you have no right to exact it from the tenant." "You are right," he replied; "but if you do not pay these costs you will have to get a writ of restitution, which will be a far more expensive business for you." In this way I was compelled to make good the expenses, and the tenant was called upon to pay what no one had any right to call upon him to pay. I ask, is the law now to be the same as it always was? I ask, is this new machinery to be the same as ever, so far as the landlord is concerned? Does it not save him the expense of the mileage of the Sheriff in every case—is it not plain that the right of restitution can be made the means of oppression and the extortion of an unfair payment? I am bound to say that my experience in these matters does not extend to the Superior Courts. The right hon. and learned Gentleman opposite will remember a case—and the Committee also will recollect it—in which in the case of a landlord who objected to a writ of restitution a question arose as to the landlord's profits whilst he was in possession. Well, but is this not a section to keep the tenant in possession? How on earth under this section and under this Bill could a question as to the landlord's profits arise? The latter part of the proposal provides that the landlord shall be responsible for nothing during the period of redemption. If a man is not disturbed no question can arise about the landlord having profits. I am sorry to be obliged to call the right hon. and learned Gentleman's attention to the Rules of the County Court. He is under the impression, no doubt, that the amount for which a man is decreed with the costs is all that he will have to pay; but that is not so. An account is taken of the rent owing up to the very day on which the account is taken—under the County Court Rules the man must pay not only the debt and costs, but every penny accruing up to the day on which the account is taken. The right hon. and learned Gentleman has evidently not considered this Amendment one of first-class importance. He has not thought it a serious Amendment, though why I cannot say, because I must remind the Committee that it was one of the very first Amendments put down on the Paper. I am afraid I must trouble him for some time further, because there is a question of very serious injustice to the tenants involved, and because this Amendment will be an important remedy and improvement to the Bill, and no matter how the right hon. and learned Gentleman looks upon it its acceptance would obtain for the landlords far more rent than they are otherwise likely to receive. What are the Government legislating for? Is it for the landlords, who will use the processes of the Court for the purpose of exacting from the tenants all they can? Let the right hon. and learned Gentleman follow out his rule and legislate against those who are doing injustice, and after he has done that I venture to say that there will be very few writs of restitution applied for. I know too well what the tenants will have to do unless he has some regard for their interests in this matter. The proceeding which at present has to be adopted is one of those which gives the solicitor the greatest possible amount of trouble. He has to make exhaustive calculations, and all sorts of arrangements as to which the tenant has to be informed. He finds out the persons with whom, and the places at which, the money is to be lodged, and then he has to prepare a document as long as my arm. This document, which is one for which there is no precedent, has to be written out and served on the landlord, a piece of professional work for which no solicitor would be recompensed by a payment of £5, even in the Civil Bill Court. When the case is before the Superior Court £10 would never pay the solicitor, and should there be long affidavits £20 might not be sufficient. If the right hon. and learned Gentleman the Attorney General for Ireland himself were engaged, he certainly would have to be paid far more than this. The application for writ or order of restitution to restore the tenant to possession of the land under the Act of 1860 is in the form given in the Schedule. Notice of application has to be given to the plaintiff, and when the notice of application has been served, as soon as the tenant says—"I want to be restored," the landlord has to serve him with a notice if he claims any rent which may have become due since the signing of the decree. He has to give the party applying for restitution two clear days' notice of his demand. First the tenant or plaintiff is to serve notice, and next the landlord is to serve a cross notice, saying—"Before I can let you back again, you must pay me all you owe me and all the costs." And then what happens? If further rent has become due in respect of the land, the party applying for restitution will have to pay all that further rent awarded by the Court in addition to the sum ascertained to be the rent and costs. What is the condition of the Irish tenant under these circumstances, broken down by this process, and with arrears to pay calculated down to the very day of the decree, which may be a year and a-half since the notice of ejectment? Why, the writ of restitution, under the circumstances, could be put aside by any landlord. The Committee must bear in mind that we are legislating against men who will use the Court and its machinery for the purpose of extracting from the tenants what is not their due. The object we should have in view ought to be to do justice between man and man; but, as matters at present stand, the great expense to which the tenant is put is an entire bar to restitution. I have pointed out that the tenant would have to pay every penny which the County Court Judge will find has been running whilst he has been out of possession of his farm. I have told the right hon. and learned Gentleman what the experience of the tenant is in the Civil Bill Court. The experience of the right hon. and learned Gentleman himself has been in the Superior Courts, and I have pointed out to him that the question of the landlord's profits which arises in his mind does not really come up in this case. I declare this to be an Amendment of first-class importance, and if it is not accepted, as I have shown you, the clause may be used to frustrate every other beneficial object you may have in view in the Bill. I cannot believe that because I have more experience in matters relating to the Civil Bill Courts than the right hon. and learned Gentleman, that he will maintain the position he has taken up, and will conceal his real opinion as to the exact position in which the tenant stands, if you continue this process of writ of restitution. The continuance of that process would mean the utter ruin and complete destruction of the poor tenant —it would mean the exaction of future accruing arrears which it would be impossible for him to pay. Under all the circumstances of the case, I feel confident that the right hon. and learned Gentleman will agree with me that this Amendment is one which ought to be adopted.

MR. T. W. RUSSELL (Tyrone, S.): I cannot help thinking that these discussions, although they may be very interesting to lawyers, are somewhat too technical for ordinary Members of the Committee to follow. After all, an ordinary Member of the Committee must try to guide his conduct by common sense, more than by legal jargon, of which we hear so much—I do not wish to use the expression in any offensive sense to hon. Gentlemen. I want the Government to understand that this is a critical Amendment, and one of first-class importance. I should be glad if the right hon. Gentleman the Chief Secretary would give me his attention for a few moments. The case stands thus. A landlord evicts a tenant, or serves upon him a notice under the new procedure. The tenant afterwards seeks to redeem. He has six months within which to redeem, but a dispute arises between himself and the landlord. I am supposing a case that is not at all unlikely to happen. A dispute, I say, arises between the landlord and tenant. What, then, is the tenant's position in such a case? If the landlord stands out the tenant's hand is forced. The only remedy he has is this—he is forced, at enormous cost, to sue for a writ of restitution. Now, it is all very well to tell me that a tenant has six months within which to redeem; but a statement such as that has to be considered in all its bearings. The only way in which he can enforce his right, if a dispute arises, is by writ of restitution, which, in 99 cases out of 100, is impossible, so that I maintain that the right of redemption in such cases practically goes for nothing. Now, I want to suggest a compromise to the Government, and one that, I think, they might very fairly accept, and one which, I think, hon. Members below the Gangway may also very largely accept. Suppose a dispute has arisen. The right hon. and learned Gentleman has said that the landlords are sensible men, and that he cannot conceive that a landlord would refuse to come to terms with his tenant. Well, I admit that a great majority of Irish landlords are as sensible as other people; but we are legislating for a minority of the landlords in Ireland, and if it were not that the minority is a minority of unreasonable men I should not be forced into taking the position which I have taken on this Bill. The compromise I have to suggest is that the tenant should be entitled to redeem, and that in the case of any dispute arising between the landlord and tenant the onus should be upon the landlord of showing cause against the redemption. I think that is a reasonable suggestion. It will protect the statutory tenant, and will not impose upon him heavy costs, while it will prevent unreasonable landlords from recovering unreasonable costs, which they have done too frequently.

Mr. PARNELL: I have no hesitation in saying that if my hon. Friend who moved this Amendment were in his place—as he is not—he would have no objection in accepting the compromise proposed by the hon. Member for South Tyrone (Mr. T. W. Russell) to the effect that where a dispute arises between a landlord and a tenant, and where the landlord refuses to allow the tenant to redeem within six months, then the onus of taking the proceedings should be thrown on the landlord, instead of upon the tenant.

Mr. O'DOHERTY: Whatever the dispute may be, it could only be with reference to costs accruing after the decree. What the right hon. Gentleman opposite mentioned to us—namely, the amount of the profit the landlord might have made on the farm while in possession—is not at all contemplated by this section. It only contemplates the tenant remaining in possession.

Mr. GIBSON: If the tenant offers the rent and costs, and the landlord says that that sum is not right, and there is a dispute, it can only be settled by the Court.

Mr. O'DOHERTY: Not at all.

Mr. GIBSON: That is the present law as I understand it. The landlord says to the tenant—"The sum of money you offer is not enough." Then there is a dispute about the matter, which has to be settled by the Court. As I understand it, the amount is to be ascertained by the Court; and the question seems to be, is the Court to have any function at all in the matter? If a dispute arises between landlord and tenant, that dispute ought to be—if there is any arrangement as to interim profits, or any question of that kind, which the hon. Gentleman says would not exist under the clause as it stands—that dispute, I say, ought to be plainly settled by the Court. I do not know whether the hon. Member is willing that the clause should be amended; but I think he accepted it in that respect. The rent is endorsed in the Court, and the costs are endorsed; and, therefore, if the tenant comes into the Court, and has a document of title as to the rightness of his offer, that document is an order of the Court. If there is a dispute on the one side or the other the tenant has the document of the Court in his favour. We seem to have here merely a dispute about words, because the real substance of the Amendment of the hon. Gentleman raises the question as to whether the Court is to have jurisdiction in the matter at all, or is it not? The machinery by which such jurisdiction can be exercised is provided by two long sections of Baron Deasy's Act. There are a vast number of important clauses to discuss, and if we are to discuss them all at this length, the elaborate sections of Baron Deasy's Act, and reconstruct the Bill, it appears to me that there will be no end to our discussions. I would ask hon. Members to bear in mind that it may be possible on future occasions to introduce great improvements in the general Land Law of Ireland; but at present we are dealing with a question of machinery, and I can assure the hon. Member that if the Government thought there was any real injustice or hardship in this matter, they would take steps to introduce it expeditiously. It is because I believe that this Amendment would destroy the entire legal procedure of the Act of 1860 without putting anything in its place that I object to the Amendment. It would be a very embarrassing thing for the Government to involve itself in the reconstruction of the Act of 1860, and I would therefore urge the hon. Member not to press his Amendment.

Mr. T. W. RUSSELL: I am not desirous of shutting out the action of the Court at all, but I have the greatest objection to forcing the Irish tenant into Court. He has had too much to do with Courts; and it is an open question in my mind, if we had the option of getting rid either of the lawyers or the landlords, whether I should not prefer to get rid of the lawyers rather than of the landlords. I therefore desire to keep the Irish tenant out of Court as much as I possibly can; and what I am willing to do in the compromise I have suggested is to give the ultimate decision to the Court in the case of the landlord and tenant not being able to come to terms. I am for going to the Court with the onus upon the landlord of proving his case. I appeal to the Government upon this question, which, after all, is not a very large one, and which is one upon which they can give way without any sacrifice of principle. I do not think they can accuse me of putting difficulties in their way, or of endeavouring to embarrass them. I have never made a speech of more than 20 minutes since I have been in this House, and I certainly have not made long speeches upon this Bill. I will merely say that if they accept this compromise they will smooth away all the difficulties which are in the way of this part of the Bill.

MR. GIBSON: What I intended to explain was that the existing law carries out the hon. Member's desires.

MR. T. W. RUSSELL: I know it does in a way, but I want to alter that way. I am prepared to assent to the view that the Court shall settle the matter; but I say that the tenant is not able to go to the Court for a writ of restitution in 99 cases out of 100. What I want to do is this—to force the landlord to accept the tenant's offer, and to give him the right to go to the Court to enforce a further payment if he can show that he has not received enough.

MR. O'DOHERTY: I forgot in one part of my statement to refer to that which seems to me to have given rise to an entire mistake in this matter. I have all through stated that I believe the right hon. and learned Gentleman is labouring under a mistake as to practice. I want to show the right hon. and learned Gentleman how we stand. You are providing for the relief of evicted tenants, and you are also providing for the reduction of the amount of rent that tenants have to pay. I will ask the hon. and learned Gentleman the Attorney General for England to listen to me. You are providing not merely that the tenants shall not pay the full amount due, but you are making provision for some permanent abatement; and what, under the rules empowered under Baron Deasy's Act, do the County Court Judges do—Judges who have never done anything for the Irish tenant—what do they do when the tenant comes in with the full rent and costs, and puts it down in settlement of the landlord's claim? Why, the landlord may say—"No; I will not have that, but I will have every penny which has accrued for a year and a-half, during the whole time the decree has been running." It cannot be denied that the Court would agree to that. It is the 148th rule of the Civil Bill Courts, and I myself have had to experience its working in cases of redemption. But that is not all. I doubt if any question or dispute could arise, because everything is settled plainly in the document which has been referred to. The only case where any difficulty could possibly arise would be where the landlord has been in possession, and where some profit is claimed. But why should not the tenant be reinstated, allowing such questions as this which may crop up to be decided by law. Does the Committee understand this, that the tenant can never recover payment of his costs? No matter how unreasonable the case against him may be, he can never get his costs. I am quite satisfied as to that, so far as the Civil Bill Courts are concerned. I have actually known cases where even the Judges were against the landlords, and yet the tenants could not get their costs. Now, this is the position which the hon. Member for South Tyrone has put—the tenant may be put to all manner of expense, and yet he never can recover any of his costs, no matter how right he may be. If a dispute arises between the parties, it can only be about the landlord's profits—what else can it be about? You do not want the tenant to pay the subsequent gale surely, and every penny that has accrued up to the day he has applied for restitution of possession? Let the tenant go and pay the amount endorsed on the decree, or the amount of the order under the 22nd clause, and let that amount give him a right of restitution. If you would arrange that a man having so tendered and so paid should be restored, and that every tenancy made with him should be a present tenancy, that would do. Except in equity and by estop a present tenancy should be given, and that would be enough. I think there ought to be no difficulty in accepting the Amendment.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I wish to say a very few words on this subject. It is not a question as to whether the present law is a good law or a bad law; but it is quite obvious that we cannot reconstruct the Land Law of Ireland in a Bill which is intended to be a temporary measure of relief. What I wish to do is this. I wish to appeal to hon. Members opposite to bear in mind that if Amendments of this character are to be debated in this way in the House it will kill the Bill. It is not that the Amendments themselves may not be Amendments such as, under other circumstances, it may be quite proper to consider—it is not that they are not Amendments which it may be quite proper to consider when the Land Act of 1881 is being amended and dealt with by this House *ab initio*. But I wish to appeal to hon. Gentlemen below the Gangway, and to tell them that if they desire the Bill to pass they must understand that considerations of time, and time alone, render it impossible to give that consideration which may be most necessary before questions of this character can be settled. We do not alter the law adversely to the tenant; we do not in the slightest degree injure his position; and if hon. Gentlemen opposite think that a change in the law is necessary, and put their desire for that change before the advantages which are to be given, as we hope and believe by this Bill to the tenant, then I say they run great risk of killing the Bill on the mere point of time. I put that consideration fairly, and without the least anger or prejudice. I put it before hon. Members in order that they may fully realize the extreme difficulty of the position in which they place the Bill by pressing Amendments of this character. Amendments to the general Land Law, and not to this particular Bill.

Mr. PARNELL: All I can say, Sir, is that if there is no time to discuss and debate this Amendment at fair and reasonable length, then there is no time to discuss and debate any Amendment in the whole Bill. The right hon. Gentleman says that it is unreasonable that Amendments should be discussed and debated.

Mr. W. H. SMITH: I said Amendments to the general Land Law of Ireland.

Mr. PARNELL: The right hon. Gentleman admits that it would be reasonable to discuss these Amendments, if there was time. Then, all I can is that in the consideration of an Amendment of this importance it is the duty of the Government to find time. The right hon. Gentleman and his Government were able to find time and to give nearly the whole Session to the discussion and debate of a Coercion Bill. It is a singular thing that they are not able to find time to discuss and debate a few Amendments of an ameliorating character. Sir, it is not the intention of my hon. Friends or myself to discuss or debate at length many of the Amendments to this clause. At my instance, I may mention, hon. Members who had placed Amendments on the Paper yesterday and the day before have taken off nearly half of them, and of those which remain, I suppose, fully one-half are consequential Amendments. Of the half of the Amendments which are not consequential Amendments we should have carefully considered which we should have brought forward for the consideration of the Committee. The right hon. Gentleman has not met us fairly when he refuses to allow us time to consider important Amendments, when he threatens or suggests—I will not say threatens—that the Bill shall be withdrawn unless we refrain from discussing the few vital Amendments, one of the four or five vital Amendments to this clause which we had intended to press. Now, I do not think it is an unreasonable course for us to adopt to select four or five Amendments out of 90 which were put down, and out of 190 which might have been put down, for discussion and debate. It is not our fault if the right hon. Gentleman, by introducing a permanent alteration of the Irish Land Law in a Bill avowedly of a temporary character, compels us to ask the House in our turn to consider permanent matters also. Now, it will be very easy for the Government to say that they will endeavour to introduce alterations into the Bill on Report in the direction suggested by the hon. Gentleman above the Gangway the Member for South Tyrone (Mr. T. W. Russell). It will be quite easy for the Government to give such an Amendment; and even admitting that the Amendment of my hon. Friend carries with it unforeseen consequences, the Government Law Officers can easily undertake on the Report stage to construct a new clause, and to propose Amendments in the Bill dealing with Baron Deasy's Act in the direction indicated by the hon. Member for South Tyrone. The wishes of the hon. Member were very fairly and plainly explained to the Committee. His suggestion is a reasonable one—namely, that where a tender of rent and costs has been made to the landlord, or it may be has been made to the Sheriff, at any time within the six months allowed for redemption, then the onus should be thrown on the landlord to initiate proceedings to disallow the tenant's title. That is a reasonable proposition; and I am informed by hon. legal Friends around me that the Government would find no difficulty in the world in framing a section so as to carry out that object. That proposition has been made, and I hope the Government will accept it. It is a matter of great and vital moment; and if the Government do not accept this proposal, depend upon it the titles of the small tenants in the West and South of Ireland will be broken wholesale.

MR. T. W. RUSSELL: The clause itself changes the law in a most important way; and I do not think the Irish Members, whether from North or South, have gone out of their way at all in order to make the law fall as lightly as possible on those who come under it.

MR. CHANCE (Kilkenny, S.): Might I point out the precise thing which is to be done? It is desirable that an Amendment, in the sense of the observations of the hon. Member for South Tyrone, should be drawn up. The Government allege that there is no time to make these alterations; but I venture to say that in five minutes the right hon. and learned Gentleman the Attorney General for Ireland, or the hon. and learned Gentleman the Attorney General for England, could draw up an Amendment which would carry out to the very letter, with the extremest exactitude, what the hon. Member for South Tyrone desires. What we want is that instead of going into Court in a non-contentious case—instead of being eaten up and ruined by law costs—the tenant should be enabled to go to Sheriffs' officers and pay over to them the rent and costs, and get automatically a receipt for that, accompanied by some form or writ, which should entitle him to come into his holding, and that if then any other trouble happens to take place the onus of proof should fall on the landlord's shoulders. I deny that there would be any difficulty in carrying that out. The whole thing could be done in five minutes or less; and yet the Government, on this point, which is a vital one, which would save the tenants of Ireland thousands of pounds, will not do what is desirable.

DR. COMMINS (Roscommon, S.): We know that if a settlement is made between landlord and tenant, ending the six months allowed for redemption, that settlement will not reinstate the tenant in his former tenancy unless there is a long written document, or something that would be very expensive, in order to show that it is a free gift to him. The whole question here is a question of the status of the tenant. Is he to be allowed to preserve, by payment of the debt and costs, the status of a present tenant, entitled to the benefits of the Act of 1881, or is he not? It is stated that the whole object of this section is to deprive him of that status. Now, carrying the idea of the hon. Member for South Tyrone a little further, I would ask the Government to consider, if they will condescend to meet us at all in this matter, whether they cannot make the payment or the settlement between the landlord and tenant, during the six months allowed for redemption, to be a *primâ facie* restoration of the former tenancy? I would also ask that the burden of proof should be upon the landlord.

Question put.

The Committee *divided*:—Ayes 164; Noes 142: Majority 22.—(Div. List, No. 331.)

MR. JAMES STUART (Shoreditch, Hoxton): I have been asked to move the Amendment which stands in the name of the hon. Member for Banbury (Sir Bernard Samuelson); but as its rejection would also involve an Amendment standing in the name of the hon. Member for South Kilkenny (Mr. Chance) I would like to be allowed to move the latter instead.

THE CHAIRMAN: There is a manuscript Amendment before that.

MR. O'KELLY (Roscommon, N.): Yes, in my name, in page 3, line 2, after the word "of," to insert "not less than." However, this is a consequential Amendment to an Amendment which has not been successful; therefore I will not move it.

MR. JAMES STUART: The Amendment I beg to move is in page 3, line 2, to leave out "six," and to insert "twelve." I move that because this clause, which stands in the middle of the Bill, will have such a severe, and I believe such an injurious action upon the tenant, that I desire, in common with many others, to make amends to the tenant for the action of the clause, and more especially at the commencement of the working of the clause, that the tenants may not be taken unaware by the action of the provision. I feel, Sir, considering the circumstances of the case, that the tenants will suffer injury through the serving of this notice, which will come in the form of an ejectment upon them like a wolf in sheep's clothing, and without the tenant really apprehending what is being done. I think, Sir, that the object of this Bill being to postpone as far as possible, and to prevent as far as possible—at least, so the Government say they intend—ejectments, I think that the end professed by the Government in the Bill would be served and assisted by the substitution of 12 months for six in this place. No doubt, many of us on this side of the House would have been more pleased with this Bill if this clause had been left out; and if the existence of the clause—which I do not propose to argue as a whole at present—had not left us in doubt as to whether, on the whole, we really desire the Bill ultimately to pass or not. But there can be no doubt that the substitution of 12 months for six months in this particular part of the clause would help to reconcile many to this Bill, and to make many people feel that the object of the Government was not, as some imagine it to be, from the existence of this clause, to give additional facilities to the landlords. I have no doubt of the good faith of the Government; and I trust that they may find it in their power to accept this Amendment, fixing the period at 12 months instead of six months. I beg to move the Amendment on the Paper.

Amendment proposed, in page 3, line 2, leave out "six," and insert "twelve."—(*Mr. Stuart.*)

Question proposed, "That the word 'six' stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I think that no one has ever suggested that this Bill, taken as a whole, is a Bill in the interests of the landlords. The proposal of the hon. Gentleman is to substitute 12 months for six months as the period of redemption, and the object he has in view is to prevent the tenant being taken by surprise, as he has expressed it, by the clause as it stands. I think the object of the hon. Gentleman is a good one in itself, and deserves consideration, and I shall be quite willing to state the view of the Government as to the means by which the end in view may be attained. I think the method suggested by the hon. Member is not practicable. The period of six months is no doubt a necessary, and, on the whole, a beneficial incident of the present, but it has difficulties. During that six months neither the landlord nor the tenant know what position they stand in relatively to each other. The period is a period of expense, and it will be a serious evil, and will not conduce to an ultimate settlement, if we increase the period to 12 months; but while for that reason we cannot accept the Amendment the hon. Gentleman has moved, we think there is something to be said for the argument he has used in support of the Amendment, and I shall be prepared shortly to suggest to the Committee as an alternative that it might be a good thing to introduce an interval of a month between the time at which power is obtained from the Court and the ejectment of the tenant—between the time at which power is obtained from the Court and the ejectment of the tenant and the time at which the notice is served by which the ejectment will be carried into effect. Whether that will meet the views of the hon. Gentleman I do not know; but I think everyone will feel that in carrying that out we have the interests of the tenant in view. What I propose is to insert an Amendment providing that the notice may be served "after one month from the date of the judgment, and not earlier, save by leave of the Court."

MR. JOHN MORLEY (Newcastle-on-Tyne): I agree with my hon. Friend who moved the Amendment—that is, so far as the assertion of a principle is concerned I entirely agree with him—but the right hon. Gentleman the Chief Secretary for Ireland, in the rather important announcement he has made, seems to suggest another Amendment for securing the same purpose. The right hon. Gentleman suggests this interval—I suppose in the form of a new clause.

MR. A. J. BALFOUR: I do not know how it would be best to introduce it; but perhaps it might be convenient for me to read the Amendment as it might be inserted. These words might be inserted in line 4, page 3, after the word "served" namely, "after one month from the date of the judgment, but not earlier, save by leave of the Court."

MR. JOHN MORLEY: Yes; the tenant, as I understand it, will have a period given between the landlord getting the decree in the Court and the service of the notice that that decree has been obtained. Of course, so far as that goes it gives the tenant a clear month, and is, therefore, a distinct advantage to him. I venture to suggest that even if the Government do not see their way—I shall regret it if they do not, but if they do not—to acceding to the spirit of the Amendment of the hon. Gentleman and extending the time for redemption, that they should, if possible, give one more condition in favour of the tenant. They have given one condition, as the Chief Secretary for Ireland has just announced; but there is one step which they might take, and, I think, without any serious disadvantage to the landlord, and with considerable advantage to the tenant. They should give the tenant a clear month of undisturbed possession between the service of the notice and the actual ejectment. The effect of the two things together—namely, the arrangement that the Chief Secretary has announced the willingness of the Government to accede to, and the change I venture to press upon them, would be that the tenant would have two clear months in which to bestir himself and to look around him, and, if possible, to come to terms with his landlord. I would point out to the right hon. Gentleman the Chief Secretary for Ireland that this second concession is in reality less than it would appear, because by the law as it stands—if I am well informed—the tenant has 10 or 11 days between the service of the notice and the disturbance of his possession. Then the amount of the concession that I venture to suggest to Her Majesty's Government is in reality no more than 20 days. The result of the two concessions would be, as I have already said, that the tenant would have two months to turn round in. I very respectfully, and with a very earnest desire to forward the progress of this Bill, venture to make that suggestion to Her Majesty's Government, and to express the hope that they will give it their favourable consideration.

MR. O'DOHERTY: I would point out what the Government must know very well. The Sessions in Ireland at which ordinary appeals are granted are the December Sessions, which last three weeks; and a decree made at the Sessions may not issue until the day the Court rises. All the decrees are dated the first day of the Sessions. Three weeks, therefore, of the month of so-called undisturbed possession of the tenant may have to be necessarily consumed by the proceedings in Court. In the county with which I am connected it is known that the Sessions will last through the ordinary time, and all decrees date from the beginning of that period—no single decree can issue before the termination of that time. Then the landlord has to serve the relieving officer with notice, in order that, if necessary, he may be prepared with accommodation in the workhouse for the persons to be evicted. Under the existing law it is necessary that that process should be gone through before the Sheriff can execute the decree. It is possible that another month would elapse through delays of this kind before the decree could be executed; so that, in point of fact, what professes to be a boon in the matter of the extension of time, may be an absolute shortening of the time. I declare that as one who has had practical experience. The right hon. Gentleman the Member for Newcastle (Mr. John Morley) suggests that the tenant should be allowed to remain in undisturbed possession for another month before any proceedings against him as caretaker could be taken. That really adds nothing to the advantage of the tenant, because, as I already pointed out, the period during which the Sheriff ordinarily would have to make his arrangements before evicting would cover that time. So that if two months were added, the position of the tenant, after the passing of this Bill, would not be improved in regard to this question of time. If the right hon. Gentleman would move an Amendment to the effect that the notice should date from the last day of the Sessions, which is the date from which all orders run, it would be satisfactory in some measure; because, until then, and until three days after the Sessions rise in fact, no decree can be given out. After the period of the delivery from the Clerk of the Peace to the plaintiff's solicitor a month should run. That would mean a month. I am glad to see that the hon. and gallant Member for North Down (Colonel Waring) assents to that proposal. I am sure that the right hon. Gentleman the Chief Secretary for Ireland did not understand that the Sessions in Ireland last so long, and did not understand that every decree is dated from the first day of the Sessions. I say, again, I am speaking of what I know. Therefore, in point of fact, if the concession is intended in a generous spirit, it will be given as from the time when the decree should not be entertainable. I am sure that the period which would thus be allowed would be a very short time if the right hon. Gentleman will advise the Government to retain the power of claiming arrears which might accrue up to the time of redemption. However, on that matter I am not able to tell the Committee anything more than what I know by practical experience, and that is that if the proposal of the right hon. Gentleman the Chief Secretary were accepted even, and that of the right hon. Gentleman the Member for Newcastle, it would shorten rather than lengthen the present period of redemption.

Colonel WARING (Down, N.): The proposition of the right hon. Gentleman the Member for Newcastle is almost identical with one I myself made yesterday. We Irish landlords should be entirely satisfied if that arrangement were carried out.

Mr. PARNELL: The suggestion that there should be one month between the decree and the service of the notice, and a further interval between the service of the notice and the tenant's eviction—that I take it is the proposal—["No, no!"] Yes, the suggestion made by the Chief Secretary for Ireland has reference to the interval between the ejectment decree and the service of the notice to leave, and the further suggestion of the right hon. Gentleman the Member for Newcastle is that there should be an interval of a month between the service of the notice and the loss of the tenant's status by his becoming a caretaker. I understand that these are the two suggestions before the Committee. Well, with reference to these suggestions, I have to say that I think it would be better that there should be one period, and that that period should be a longer time than is proposed. Instead of giving a period after the obtaining of the decree and prior to the service of the notice, you should give a period of grace to the tenant after the service of that notice, because the tenantry in Ireland are not used to decrees, and are ignorant of the state of the law; and would not attach that importance which it would be necessary to attach to a decree under the clause of the Government. The tenant might let slip his time. When, however, he got his notice, there would be a new step, and his attention would be attracted by this. He would, of course, commence to inquire what was the significance of this notice. If you, therefore, give your period of grace after the service of the notice, I think it would assist the tenant; and I do not see what harm it could do to the landlord. If you do this, the period allowed would assist the tenant much better than you would assist him by dividing the period into two terms. I would suggest then that if the Government would agree to give three months interval after the service of the notice and after the tenant becomes a caretaker, that we might close this question with regard to the extension of the period of grace. It seems to me that what I propose would carry out the suggestion made by the right hon. Gentleman the Chief Secretary for Ireland, and also the suggestion made by the right hon. Gentleman the Member for Newcastle, except that the landlord, instead of losing two months, would lose three, which is not a very large extension of time for the tenant.

Mr. A. J. BALFOUR: I must say that it is rather irregular to go into this question on the Amendment of the hon. Gentleman opposite. I am sorry that the proposal I made on the part of the Government should not have been met in a more favourable spirit. As to the suggestion made by the right hon. Gentleman opposite, we are prepared to accept it, though I would point out that there is, perhaps, more in the question than some of the hon. Gentlemen near me might think. I do not think the Committee has thoroughly apprehended the real position of the tenant under this clause—they seem to have in their minds what he is supposed to lose, but I do not think they have reflected upon what he gains. When a landlord evicts a tenant the latter does not become a caretaker, he goes out neck and crop; but under our clause, as it stands without either of the Amendments suggested, the tenant is placed in a better position, because he cannot be turned out under any circumstances for 11 days at least after the service of the notice. Hon. Gentlemen appear to consider that it is a matter of indifference to the landlord whether a man is made compulsorily a caretaker or not. There is no hardship to a landlord if he voluntarily makes a man a caretaker, but there may be considerable hardships in a landlord being compelled to take a man for a month as caretaker without being willing to do so, and the reason of this is obvious. During that month a man admitted as caretaker might commit serious waste, and there is no means of stopping him. The landlord is powerless to stop him—the landlord is powerless in the matter, and must admit the man, although he may be a person to whom the landlord may have the very strongest objection, and whom for many reasons he may have every right to get rid of. The man will be fastened in the holding for a month, during which period he may do any amount of damage. I only state that in order to show that from the landlord's point of view it is a considerable concession for us to carry out the request which has been made to us. But for the sake of peace, I think we are justified in not refusing the suggestion which has been made. I trust we shall not be pressed to go further in the matter. As to the suggestion by the hon. Member opposite (Mr. O'Doherty), he raised a question connected, I think, with the practice of Quarter Sessions. Well, I have no knowledge of the practice of Quarter Sessions, but I can assure the hon. Gentleman that when we talk of a month we mean a month. At any rate, we will inquire into the matter, and if we find that the Amendment suggested does not really give the tenant a full month between the obtaining of the decree and the execution of it, we will introduce a further Amendment to carry out what is really the intention of the Government.

MR. MOLLOY (King's Co., Birr.): I quite understand what the right hon. Gentleman says, that he will take care that a month is given if he finds that his Amendment will not have that effect. But he has not touched the point to which the hon. Member (Mr. O'Doherty) drew attention. The decree is dated the first day of the Session, but it may not be issued until the last day of the Session, and then before it can be served two days notice is to be given to the Poor Law Guardians. Then there are three days notice for appeal, so that by giving only a month you are absolutely shortening the period. Will the right hon. Gentleman explain the month he refers to? If there is to be two months given in the sense in which we have spoken, then we can quite understand that there is a full month granted. Does the right hon. Gentleman mean that the month given or offered should be a month beginning one month after the date of the decree? Otherwise, instead of the right hon. Gentleman giving anything to the tenant, he would be actually taking something away from him and shortening the period of grace. It must be borne in mind that a month may elapse between the day of the issue of the decree and the day upon which it is served. That you cannot help. Therefore, giving a month means nothing. If you say that you give two months, then you are practically carrying out the proposal that you yourselves have made. I hope the right hon. Gentleman the Chief Secretary for Ireland understands this matter clearly. If he does not, it is probable that we shall be involved in a long discussion on it.

MR. A. J. BALFOUR: I perfectly understand the matter.

MR. MOLLOY: Then I will not go further into it.

MR. O'DOHERTY: Might I mention, as the right hon. Gentleman the Chief Secretary for Ireland seems to be in error, as to no precaution being taken to prevent waste during that month, that there is a special provision in the Act of 1860 which provides for a tenancy or occupancy of 29 or 30 days or any shorter period, and in such provision it is enacted that if such tenant attempts to do anything wrong you can go to the magistrates and summarily put him out for it. That procedure was referred to yesterday.

MR. O'KELLY: Will the right hon. Gentleman give the undertaking that the month will start from the final day of the Sessions in which the decree is issued?

MR. A. J. BALFOUR: I perfectly understand the point raised by the hon. Gentleman, and I think it well worthy of consideration. I shall be glad to do what I can to carry out his suggestion. We must, however, have some time to consider the matter, for the reason that we are dealing here not only with judgments in the Inferior Courts, but with judgments in the Superior Courts, and there may be some difference between the one and the other. My view is that the practice of the Inferior Courts may be such that it probably may be the best plan to make it two months from the first day of the Session. If hon. Members will allow us to wait until the Report stage, we will consider the matter and take steps to bring about a satisfactory settlement of the point in question.

THE CHAIRMAN: Does the hon. Member for Shoreditch withdraw his Amendment?

MR. JAMES STUART: Yes.

Amendment, by leave, *withdrawn.*

THE CHAIRMAN: Does the hon. Member for Roscommon move Amendment No. 34?

MR. O'KELLY: Yes. I beg to move, in page 3, line 3, after "notice," to insert—

"Shall state truly the exact amount to be paid for redemption, and the place or places where and the person or persons to whom the same may be paid or tendered during the said period, and."

The object of this Amendment is to facilitate redemption. I move it in view of the difficulty that ignorant tenants sometimes experience in finding the proper persons to whom payment may be made. I think the Government will agree with me that this is a landlord's Amendment as well as a tenant's Amendment, and they will probably have no difficulty in accepting it.

Amendment proposed,

In page 3, line 3, after "notice," insert "shall state truly the exact amount to be paid for redemption, and the place or places where and the person or persons to whom the same may be paid or tendered during the said period, and,"—(*Mr. O'Kelly.*)

Question proposed, "That those words be there inserted."

MR. GIBSON: We are perfectly ready to accept the proposal.

Question, "That those words be there nserted," put, and *agreed to.*

MR. A. J. BALFOUR: I beg, Sir, to move, according to the understanding which has been arrived at, the manuscript Amendment which I have handed to you, that is to say, in page 3, line 4, after the word "served," to insert "after one month from the date of the judgment, and not earlier, unless the Court so permit."

Amendment proposed,

In page 3, line 4, after the word "served," insert "after one month from the date of the judgment, and not earlier, unless the Court so permit."—(*Mr. A. J. Balfour.*)

Question "That those words be there inserted," put, and *agreed to.*

MR. MAURICE HEALY (Cork): On behalf of my hon. and learned Friend the Member for North Longford (Mr. T. M. Healy), I beg to move the Amendment which stands in his name. I do think the Government ought to accept this proposal. It does not strike at the principle of the clause, but simply amounts to a very trivial detail in it. Under Baron Deasy's Act, the Act of 1860, the landlord got very great protection in the matter of the person upon whom he was to serve notice for the execution of an ejectment. He had only to serve the party in occupation of the land when he served the ejectment. This section, following out the principle laid down in Baron Deasy's Act, states that the notice is to be served on the person who at the time of service shall be in possession of the land, so that if at any time between the obtaining of the ejectment and the service of the notice the occupier of the land is not in actual possession, though he might retain his interest in it, it will be competent for the landlord to serve the notice upon the person actually in possession. The ejectment decree might, therefore, be obtained and served without the knowledge of the person most interested, because he may not be on the land at the time of the service of the notice. I think that that is very unfair. It is conceivable that a very long interval might elapse before the absolute ejectment takes place under this clause. It is a common thing, after judgment has been obtained in the Superior Court, for a long interval to elapse before it is put into force, and it is quite possible for some change to take place in the occupancy during that interval. What I propose is, that the landlord should be bound under this clause to serve the notice upon every person served with the writ or process in such ejectment by striking out the words "who at the time of the service of the notice shall be in possession of such land." No hardship can be inflicted on the landlord. Persons who have what may be valuable interests in their holdings may have their rights lapse without any knowledge being conveyed to them that the time of redemption is running. The right hon. and learned Gentleman (Mr. Gibson) will see I make this proposal perfectly *bonâ fide* to remedy what I think is a defect in the machinery of the clause. My Amendment does not strike at the principle of the clause, and, therefore, the Government may fairly be inclined to accept it.

Amendment proposed, in page 3, line 7, to leave out all the words from the word "who" to the word "land," inclusive, in line 8.—(*Mr. Maurice Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. GIBSON: If this Amendment were carried, it would directly place power in the hands of the tenant to frustrate the object of the clause. In order to dispossess the tenant by a process of eviction, or by the service of this notice which is substituted for the ordinary writ of possession, it is necessary that the notice should be served on every tenant who is in possession, and the words which are proposed to be struck out are words which direct that should be done only upon the person originally served with the writ who, at the time of the service of the notice, shall be in possession of the land. Now, if these words were struck out, the effect would be that if a man were in possession as under tenant at the date the writ was served, he, by retiring from the scene, may make it wholly impossible for the landlord to serve on him the requisite notice. [*Cries of* "No, no!"] That will be the effect of leaving out these words. What we provide is that a certain number of persons shall be served with the writ—the tenant and the under tenant. What you must provide for is a service of the notice which is to consummate an ejectment. If you were to provide that the persons originally served were only to be served with this notice, you would practically render it impossible to carry out an ejectment at all. Suppose the writ is dated the 1st of January, and the service of the notice is not till eight or nine months afterwards, and some of the tenants are dead and have no next-of-kin or representative. According to the Amendment proposed by the hon. Member (Mr. M. Healy) the result would be that you would never be able to carry out an ejectment at all, because you would not be able to serve the persons who were originally served with the writ. It is quite possible to conceive that a man would retire from the scene so that he could not be served with the notice. Besides, if a person originally served died or left the country, say in the ordinary course of matters, an ejectment could not be brought to an effective conclusion. For these reasons we cannot accept the Amendment of the hon. Gentleman, and I do not think that he will say that the reasons I have urged are not of great weight.

MR. MAURICE HEALY: I take the liberty, Mr. Courtney, of contradicting the right hon. and learned Gentleman in the flattest manner consistent with politeness. I took considerable pains, which have apparently been of no avail, to explain to the right hon. and learned Gentleman and the Committee, in the remarks I made in introducing this Amendment, why it would not have the effect the right hon. and learned Gentleman imagines it would have. It will not have such an effect, because this section takes power to serve an ejectment in a prescribed manner, and it goes on to direct that the prescribed manner shall be in such manner as shall be prescribed by the County Court Judge. Unless the right hon. and learned Gentleman means to contend that the County Court Judges of Ireland are men wanting in intelligence and capacity, so that they are not able to frame a rule to meet the particular case he puts, then I fail to see the drift of his remarks. The clause provides that the service shall be in the prescribed manner; but it goes on to direct that the service may be by postage, so that really the right hon. and learned Gentleman has conjured up a difficulty which could not by any possibility exist, and he has not taken the trouble to explain how the difficulty I have suggested to him as arising from the present form of the clause could possibly be met—namely, the case of the tenant who might without any sinister object, who might without any object of frustrating the ejectment, but in perfect good faith and for reasons which rendered it necessary, have been compelled, for one reason or another, while retaining his interests in the holding, to quit the holding temporarily or permanently. I have to complain that an Amendment of this reasonable character has not been met by the right hon. and learned Gentleman in a candid spirit. In the speech to which we have just listened he avoided the real question which has been raised, he avoided the arguments by which the Amendment is supported, with the only object, so far as I can see, of misleading the Committee and of giving as little information as possible.

Question put, and *agreed to.*

Mr. O'KELLY: I beg to move to insert, after "land," in line 8, "and upon any person legally or equitably entitled to redeem their said tenancy." This Amendment is intended to protect the persons having an interest in the redemption of the tenant right other than the tenant. Cases arise in Ireland in which traders advance money to the tenants to pay their rent, and these persons acquire by mortgage or otherwise an interest in the tenancies, and unless notice be given to them they will lose their rights of redemption, where the tenants themselves are not in a position to redeem. I believe that sometimes in such cases there is collusion between the landlord and tenant. I trust that, in the interest of fair play, the Government will be inclined to accept this Amendment.

Amendment proposed,

In page 3, line 8, after "land," insert "and upon any person legally or equitably entitled to redeem their said tenancy."—(*Mr. O'Kelly.*)

Question proposed "That those words be there inserted."

Mr. GIBSON: The reason why it will be impossible to accept this Amendment is that the persons with whom the landlord has to do are the persons who are actually in possession. It is wholly impossible for him to ascertain who are persons who have an interest in the tenancy, or who may be entitled legally or otherwise to redeem a tenancy. An inquiry of such a nature might be of an endless character, and if a landlord could not obtain ejectment until he served these persons, the number of mortgages would be considerably increased. There are already a good number of mortgages, but I think they would be still further augmented if an Amendment of this kind were accepted. It is not altogether unreasonable for me to say that this Amendment ought not to be pressed. I may mention to the hon. Member who has moved this Amendment, no doubt in perfect good faith, that his object is perhaps sufficiently met by an Amendment further down upon the Paper—namely, the Amendment standing in the name of the hon. Member for West Belfast (Mr. Sexton), which requires that this notice shall be published in a paper circulating in the district, and that a copy shall be sent in a registered letter addressed to the tenant. That will give a certain amount of publicity, at all events.

Mr. O'KELLY: Will the Government accept the Amendment of my hon. Friend?

Mr. GIBSON: I shall offer no objection to it.

Mr. O'KELLY: Then I ask leave to withdraw my Amendment.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 3, line 8, after "land," insert "in all such cases a copy of the said notice shall be published in a paper circulating in the district, and a copy shall be sent in a registered letter to the tenant."—(*Mr. Sexton.*)

Question proposed "That those words be there inserted."

Mr. GIBSON: May I suggest that the Amendment should be amended by the insertion of the words "if any," after "paper," because it is well known that there are places in Ireland where no newspapers circulate?

Mr. SEXTON (Belfast, W.): I have considerable knowledge of Ireland, though perhaps it is not so extensive as that of the right hon. and learned Gentleman, and I am not aware, however, of any district in Ireland where some paper does not circulate. Will the right hon. and learned Gentleman pursue the matter a little further and indicate the district in which newspapers do not circulate?

Mr. GIBSON: Perhaps the hon. Gentleman will agree to substitute the word "newspaper" for "paper."

Amendment proposed to the proposed Amendment, to leave out "paper," in order to insert "newspaper." — (*Mr. Gibson.*)

Question, "That the word 'paper' stand part of the proposed Amendment," put, and *negatived.*

Question, "That the word 'newspaper' be there inserted," put, and *agreed to.*

Amendment, as amended, *agreed to.*

MR. SEXTON : I now beg to propose to leave out the word "such," in line 8. The object of this Amendment is to secure that a notice shall come to the tenant's knowledge. Under the clause, as it stands, unless the person who is legally liable to be served with the notice happens to be in possession, the notice may be posted. In many cases in Ireland the persons legally liable to be served live in other parts of Ireland, or are often absent on business in England and Scotland. I think the notice may be fairly served on any person who happens to be in possession.

Amendment proposed, in page 3, line 8, leave out "such."—(*Mr. Sexton.*)

Question proposed, "That the word proposed to be left out stand part of the Clause."

MR. GIBSON: We have already agreed that the persons to be served are the persons who are really in possession as tenants and under-tenants. It is only such, not those persons who happen to be in actual possession, who are to be served with the notice. You cannot introduce a new person to be served, as the omission of the word "such" would involve. If we agree to this Amendment, we should really have to go back upon what we have already done.

MR. SEXTON: But if the tenant is away, will the notice be posted on the premises?

MR. GIBSON: I understand so.

MR. SEXTON: And will the notice be published in a newspaper circulating in the district?

MR. GIBSON: First of all you will have to address a registered letter to the tenant, and, of course, the notice will be published in the district under the former Amendment.

Amendment, by leave, *withdrawn.*

MR. MAURICE HEALY: I beg to move the Amendment which stands in the name of my hon. Friend the Member for South Kilkenny (Mr. Chance), and it suggests the omission of Subsection 2. I desire, upon this occasion, to raise a discussion on the whole of this paragraph, which appears to me to be a paragraph of a very anomalous nature indeed. The result of this subsection and the next sub-section is to effect a legal paradox. It is to make a tenant a caretaker, and while he is caretaker he is to be a tenant. That, I understand, is the effect of this section. [MR. GIBSON dissented.] The right hon. and learned Gentleman the Attorney General for Ireland shakes his head; but I think I shall succeed in showing that that is exactly the effect of this sub-section. I quite conceive that an absurdity of the kind I mention was not in the minds of the original framers of the clause; it was one of the clever gentlemen who sit in "another place" who succeeded in bringing about this absurdity. If the right hon. and learned Gentleman will look at the latter portion of Sub-section 3 he will see that it provides that at the end of the period of six months from the service of such notice the right of redemption shall be at an end. And then it goes on—

> "When a judgment in ejectment for non-payment of rent has been executed before the passing of this Act, the time within which a writ of restitution of possession may be applied for shall be the time limited by the Landlord and Tenant Law Amendment Act (Ireland), 1860, in that behalf."

Now, what is the effect of that? From the moment the notice is served the tenant is a caretaker. He cannot lay a finger on any of the plant that is on the holding, or on any part of the crops that are in the ground. From the moment of the service of this notice the crops become the property of the landlord, subject to the tenant's right of redemption, and by the hypothesis the tenant is not going to redeem, because that is the basis on which we start. From the fact that he is a caretaker the tenant has no right to the crops; he cannot sell them, and he cannot convert them to his own use. If, perchance, he should redeem the tenancy, the landlord is to have the whole benefit of the crops, the tenant is to lose all claim to them, and all right to call the landlord to account. Now that, I say, involves a legal paradox.

were before this Act was passed?" I ask the Government to consider before they commit themselves to remove by this provision one of the most powerful motives which has operated in the minds of landlords to prevent them turning their tenants out the moment the tenancy is broken. I earnestly ask the Government to consider seriously whether they cannot meet us in the matter. I am prepared to listen to any reasonable arrangement by which the status of the tenant shall be at least as good after service of this notice as that of a man who has signed an attornment under the Act of 1860, by which it shall be the basis of the clause that during the lapse of the period of redemption the tenant shall be in undisturbed possession.

Mr. MAHONY (Meath, N.): I merely want to impress on the Government that they have an opportunity of making the section fair and just without in any way imperilling the value of the clause from their own point of view. They say the great object of this clause is to prevent what they call double evictions; to do away with the necessity for the evictions rendered necessary by the right of redemption. Now, they have an opportunity of still carrying out their object, and yet of doing away entirely with the necessity of the eviction for the purpose of making the right of redemption. They can, at the same time, carry out much more faithfully than their clause at present does the recommendation of the Cowper Commission. The recommendation of that Commission relates solely to the advisability of making the right of redemption date from the period before the eviction takes place. The recommendation of the Commission was that the right of redemption should be dated from the obtaining of the decree. There is an objection to that. The Government say that they cannot adopt that recommendation, because they want to allow time to lapse after the attaining of the decree, in order that the landlord and tenant may come to terms. But by making the right of redemption run from the service of this notice they also do another thing—they change entirely the status of the tenant. That appears to me to be perfectly unnecessary. Why should they change the status of the tenant? Why not make the notice simply apply to the right of redemption, and let the right of redemption run from the date of the service of the notice? It appears to me the Government have a great opportunity of meeting us on this point without in any way whatever interfering with that which they have hitherto explained to be the main principle of their clause. I do hope the Chief Secretary for Ireland (Mr. A. J. Balfour) will see his way to make some concession on this point—that is to say, making the right of redemption run from the service of the notice, and not altering the status of the tenant. At the end of the six months from the service of the notice the eviction can take place in the ordinary way, and it will be a final eviction—there will be no right of redemption afterwards.

Mr. T. M. HEALY (Longford, N.): I think that what is happening upon this clause generally is a startling exemplification of what we get by concessions. Last night we took some 20 or 30 of our Amendments off the Paper with the view of conciliating the Committee. As the result of this, the Government have treated our Amendments to-night with little or no consideration. We have heard since this came on that it is a clause to enable the landlord to avoid the unpleasantness of evictions, but we were never told that it is a proposal to take away from the tenant the six months in which he can redeem his holding. We ask the Government solemnly, do they mean that this House is to strip the Irish tenant of everything which raises him above the position of a serf? By Act of Parliament he has been granted a period of six months within which he can redeem. Now, you are going to strip him of that right, and give him one month instead. We ask you to test your *bona fides*. The Chief Secretary for Ireland (Mr. A. J. Balfour) sneers because he does not understand anything about the matter. [*Cries of* "Order, order!"]

The CHAIRMAN: I do not know who that hon. Member was, but his interruption was most disorderly. If I knew him, I would most certainly call upon him to withdraw.

Mr. T. M. HEALY: The right hon. Gentleman's performances in this House have not impressed us with his intelligence, at least upon Irish questions. At any rate, I ask the Gentleman on the Treasury Bench who is doing the Irish work for the Government, does he intend to allow the landlord to put the tenant out within one month of the time he chooses to serve his registered letter on the tenant; if so, what is going to become of the other five months' redemption? No answer is given, and that is our reward for taking Amendments off the Paper; we are not even to get intelligent replies. I seriously ask the Government for a plain answer to my question—what is going to become of the six months' redemption?

Mr. A. J. BALFOUR: The hon. and learned Gentleman considers that he and his hon. Friends have made a great concession by taking Amendments off the Paper. They have, no doubt, taken many Amendments off the Paper, and I am glad of it; but still they have left upon the Paper the not insignificant number of upwards of 50 Amendments to this clause. I do not know whether the hon. and learned Gentleman was in the House, I rather think he was not, but if he was he must know we have attempted to meet, by substantial concessions, the views of hon. Gentlemen opposite. We have adopted one large Amendment in favour of the tenant in the 1st sub-section, and we have, on the suggestion of the right hon. Gentleman (Mr. John Morley), adopted another very large and substantial Amendment to this sub-section. The hon. and learned Gentleman (Mr. T. M. Healy) asks us two or three questions as to the status of the tenant after the service of the notice. Let me point out to him what, I think, he cannot know, or he would not have brought this question before the Committee—that, in so far as this clause affects the status of the tenant after eviction, it affects it for the better. In the process of eviction the tenant may be instantly turned out; under the clause we have drafted the tenant at once becomes a caretaker, and the whole object of this sub-section is to prevent the tenant being turned out neck and crop, and to compel the landlord, whether he likes it or not, to accept him as caretaker.

Mr. DILLON: Not at all.

Mr. T. M. HEALY: You must be dreaming.

Mr. A. J. BALFOUR: The hon. and learned Member for North Longford asks what is to happen with the six six months' right of redemption. The tenant's right of redemption for six months remains exactly where it is under the existing law. The tenant has, under the existing law, six months in which he can redeem. Under the law, as it will be if this clause be passed, the tenant will have, for six months after the notice is served, the same right of redemption with this difference—that during the first of those six months he will be kept compulsorily in his holding, whether his landlord likes it or not, whereas, under the existing law, he may be turned out at once.

Mr. T. M. HEALY: He never is, and that is just the difference.

Mr. A. J. BALFOUR: The hon. and learned Gentleman says the tenant never is turned out.

Mr. T. M. HEALY: Never in a month.

Mr. A. J. BALFOUR: He is constantly turned out. But I need not labour the question further; I think I have answered the questions of the hon. and learned Gentleman. I have shown him, I hope, to his satisfaction, that we have approached this subject in a spirit of conciliation.

Mr. PARNELL: I fail to see the spirit of conciliation of which the right hon. Gentleman boasts so much. I do not think that a clause of such stringency has ever been passed through Committee in so short a time and with so few concessions on the part of the Government as this clause. The large concessions of which the right hon. Gentleman speaks only exist in his own imagination. The right hon. Gentleman surely does not suppose that we are satisfied in the slightest degree with the nature of the concessions he speaks of. Those concessions are very small; they are almost worthless. So much for the concessions of the right hon. Gentleman; we estimate them at their true value. But, Sir, I rise to refer to the extraordinary mis-statement the right hon. Gentleman has just made as to the object of this clause. He said that the object of this sub-section is to compel the landlord to keep the tenant as a caretaker after the service of the notice. There is not the slightest foundation for the statement. The landlord is not compelled by the sub-section to keep his tenant as a caretaker for six months.

Mr. A. J. BALFOUR: I never said for six months. If the hon. Gentleman will allow me, I will explain. Under the clause as it at present stands he must be retained as a caretaker for 11 days; but under the clause as it is proposed to be amended he must be retained as a caretaker for one month.

Mr. PARNELL: The right hon. Gentleman did not tell the Committee just now that they proposed to turn the 11 days into a month and to take that month out of the six months' period of redemption. The whole extent of the concession he makes in reply to the appeal of the right hon. Gentleman the Member for Newcastle (Mr. John Morley) is that he gives 19 days extra time in which the landlord will be compelled to keep the tenant as caretaker. It formerly was 11 days, it will now be 31 days, and the 31 days are to be taken out of the period of redemption. I wonder the right hon. Gentleman has the face to get up and boast to us and the Committee of the wonderful concessions the Government have made. This is but another instance of the disingenuous way in which we have been treated by the right hon. Gentleman all through these discussions. He has tried to hoodwink the Committee and the country in regard to the nature of this clause from the very first. Now, that the false pretences have been taken from this clause the right hon. Gentleman boasts of concessions. We regard his concessions and the clause very much in the same light, which is anything but a favourable light. The right hon. Gentleman need not suppose that he has got this clause under any idea on our part that he has made any concessions or that the clause is anything but a terrible injury to the tenants and a scandal to the Irish Government.

Mr. DILLON: I am astonished that the Chief Secretary for Ireland puts forward the theory of concession. It is supposed to be a great concession that this process is to be delayed for a month. We all know perfectly well what the effect of this provision is, we know that it is to expedite evictions. The execution of the decree is a scandalous and expensive process. The landlord holds back his decree for three, four, five, or six months, in the hope that the terror of that decree will bring the tenant to a settlement: but under this clause a landlord will not delay for a single hour. It is perfectly true, as my hon. Friend the Member for Cork (Mr. Parnell) said, this clause may pass, but it will pass simply by threats and bullying. We may be induced by the benefits of the rest of the Bill to abate our opposition to this clause, which, but for its being incorporated in the Bill, we should fight exactly on the same lines as we fight a Coercion Bill. That being so — [*Cries of* "Divide, divide!" *and* Mr. T. M. Healy, *loudly:* Order, order!]—what will be the effect of this clause? You are bringing in a Bill to bring happiness to Ireland, and in order to bring happiness to Ireland you are going to throw 8,000, 9,000, or 10,000 tenants scattered all over Ireland at the feet of their landlords, to deprive them of the benefits of your own Bill. I mean to say that 10,000 of these notices will be served directly this Bill is passed. You will have a fresh gang of discontented men in Irelend. Instead of bringing happiness to Ireland, the victims of the 4th clause will form a new association—will start a Plan of Campaign of their own. I warn the Government that they will find themselves this time next year——[*Interruption.*]

Mr. T. M. HEALY: Get up and say what you have to say. [*Loud cries of* "Order, order!"] I protest——

The CHAIRMAN: I call upon hon. Gentlemen to keep silence, and must now call upon the hon. and learned Member for North Longford (Mr. T. M. Healy) to apologize and withdraw his words.

Mr. T. M. HEALY: I have only one life to lose, and I will lose it.

The CHAIRMAN: I again call upon the hon. and learned Member to withdraw and apologize.

Mr. T. M. HEALY: The hon. Gentleman the Member for Mid Leicestershire (Mr. De Lisle) was talking and interrupting my hon. Friend. Gross interruptions came from him. Now, Mr. Courtney, I consider that, if I am to be called upon to apologize, an apology ought first to come from that Gentleman. Mr. Courtney, I have been suspended for a week once this Session, and if I am suspended again it will be for a fortnight. I shall be very sorry to be suspended at your hands; but let it be done.

The CHAIRMAN: I have no alternative. The hon. and learned Gentleman declines to withdraw.

Mr. T. M. HEALY: I do not say that, Sir. I said that the hon. Gentleman the Member for Mid Leicestershire ought to be called upon to apologize first.

THE CHAIRMAN: I again call upon the hon. Gentleman to apologize; and I ask him also to withdraw his words.

MR. T. M. HEALY: We have been subjected to the grossest interruptions, not once, but many times. I claim at your hands the same protection as you are affording to hon. Gentlemen opposite. Are these Gentlemen to be allowed to insult us?

THE CHAIRMAN: Certainly not. I have interposed to prevent insult. On this occasion I called "Order, order!" when I heard the interruption, which was not a very loud one. I called "Order, order!" and if there had been any repetition of the disorder, I should have silenced it. The hon. and learned Gentleman (Mr. T. M. Healy) has interrupted in the most disorderly way, and I again call upon him to withdraw and apologize.

MR. T. M. HEALY: Very well, Sir; I withdraw the expression.

MR. HENNIKER HEATON (Canterbury): Mr. Courtney, may I——

THE CHAIRMAN: Order, order!

MR. DE LISLE (Leicestershire, Mid) rose——

THE CHAIRMAN: Order, order! I must inform the hon. Gentleman the Member for the Loughborough Division of Leicestershire (Mr. De Lisle) that his conduct is frequently disorderly. This incident is closed.

MR. DILLON: As far as I am personally concerned, I have never had the slightest reason to complain of the protection afforded to the Irish Members by you, Sir. When this unfortunate incident occurred, I was about to conclude my remarks. I was appealing to the Government not to add another monument to those of ignorance and incapacity which previous Governments have set up in regard to this matter, and I was warning the Government of the probability of their being called upon by this time next year to pass a Relief Bill for the men who will have been dispossessed and deprived of the benefits of this Bill by the operation of the 4th clause.

MR. T. M. HEALY: I desire to say one or two words before this clause is passed. As I understand the clause, the result will be to throw on the roadside 10,000 or 15,000 people. I have only to express a hope that every man who is put out will remember his oppressors.

MR. CHANCE (Kilkenny, S.): Let me draw the attention of the Committee to another of the stratagems and tricks which lie concealed in this infamous clause. There are at least 10,000 or 15,000 unfortunate men at present under the threat of eviction. They have judgments hanging over their heads for rents which Her Majesty's Government, by their Royal Commission, composed of three Tory landlords, have admitted to be unjust rents. As long as these men stand by their holdings they have at least the advantage of knowing that they are not deprived of the ordinary rights of citizenship, but have the right to exercise the franchise. Now, what is another of the infamous effects of the provisions contained in this clause. Upon the receipt of this notice tenants become caretakers. The day before a Registration Court sits in any county which may be shortly before an election contest, the landlords, by mere service of notices through the post, may degrade the Irish tenants to the position of caretakers, and deprive them of their right to vote.

THE CHAIRMAN: I must call the hon. Gentleman's attention to the fact that he has an Amendment on the Paper dealing with this point. When we come to his Amendment, the subject can be discussed; but he is not entitled to anticipate his own Amendment.

MR. CHANCE: I apologize for anticipating the Amendment, Sir. I understand that we were in a sense discussing the sub-section generally. In addition to that, Sir, I may frankly say that one of my objects in making my statement now was that I saw the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) showing signs of uneasiness, and I suspected I should not have an opportunity of going into the question later on.

Question put.

The Committee *divided*:—Ayes 218; Noes 169: Majority 49.—(Div. List, No. 332.) [12.0 MIDNIGHT.]

PARLIAMENT — ORDER IN DEBATE — SUSPENSION OF MR. T. M. HEALY.

THE CHAIRMAN: I am under the necessity of sending for Mr. Speaker, and until he arrives the Sitting is suspended.

The CHAIRMAN then left the Chair.

Mr. SPEAKER returned, and the Mace having been placed upon the Table,

THE CHAIRMAN (Mr. COURTNEY): Mr. Speaker, I have to report that during the course of the Committee interruptions to the proceedings occurred on the part of the hon. and learned Member for North Longford (Mr. T. M. Healy), which I called upon him to apologize for and withdraw. He did withdraw, but complained that he had been excited by the action of the hon. Member for the Loughborough Division of Leicestershire (Mr. De Lisle). A Division followed, and while Members were leaving the House the hon. Member for the Loughborough Division of Leicestershire came to my side and expostulated, or, at all events, remonstrated with me somewhat, for not having been allowed to make an explanation. While he was doing so the hon. and learned Member for North Longford approached from the back and addressed the hon. Member for the Loughborough Division of Leicestershire in these words — "Come out, De Lisle," or "Come out here"—I am not sure of which word he used—" if you are a man. If you interrupt me again I will break your neck." As the incident happened while hon. Members were leaving the House, I did not conceive that I myself had any authority to do anything in the matter, and I have asked you to return to the Chair in order that you may deal with it.

MR. SPEAKER: Is the hon. and learned Member for North Longford in his place?

MR. T. M. HEALY raised his hat.

MR. SPEAKER: Has the hon. and learned Member anything to say by way of explanation?

MR. T. M. HEALY: Very little, Mr. Speaker. Sir, it is perfectly true with regard to what has been said by the distinguished Chairman of this House, and I am very glad, indeed, that an incident like this has attracted so full an audience, seeing that for hours we have been discussing the interests of the Irish tenants in an empty House. [*Cries of* "Order, order!" *and interruption.*] If I am to be interrupted I shall resume my seat.

The hon. MEMBER accordingly resumed his seat, amidst cries of "Go on, go on!" from the Irish Members.

MR. SPEAKER: Order, order! I have only one course to pursue, if the right hon. and learned Member will not make any explanation.

MR. T. M. HEALY (having consulted with the hon. Member for Cork, Mr. Parnell): I will make an explanation, Mr. Speaker, if I am permitted to do so. ["Oh, oh!"] I will not do so if this goes on. I desire, Sir, in the first instance, perfectly to recognize the fairness and the courtesy with which we have been treated by the Chairman of Committees. I do not think, however, that this is an occasion for any such action as was taken by you, Sir, with regard to my hon. Friend the Member for Mid Cork (Dr. Tanner) the other night. I do not think that there is any parity between the two cases at all. This is one——

MR. SPEAKER: Order, order! This is not the language of an hon. and learned Member who is called upon to explain language such as this—(holding up a slip of paper). I must ask the hon. and learned Member to explain it.

MR. T. M. HEALY: I am endeavouring, Mr. Speaker, to put in the best language I can the position in which I felt myself placed. I feel placed in this position—that while we are accused on this side of interruption—which is perfectly true and I freely admit it, so far as I am concerned—what we consider is that interruptions coming to us from the other side are interruptions directed against us personally, and have a distinctly aggressive and provocative effect, altogether independent and apart from debate in this House. I can only say, Mr. Speaker, that, as far as I am concerned, the whole incident is hateful to me. I feel, however, no regret, as far as I am concerned, for the course I have taken. I am willing to abide the consequences.

MR. SPEAKER: Order, order! Then I name you, Timothy Healy, to the House, for having violated the Orders of the House in regard to the decorum of the House.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): It is with infinite pain, Sir, that I have to move that Mr. Timothy Healy be suspended from the service of the House.

Motion made, and Question proposed, "That Mr. Timothy Healy be suspended from the service of the House."—(*Mr. W. H. Smith.*)

MR. SPEAKER: The question is, that Mr. Timothy Healy be suspended from the service of the House.'

MR. CHANCE (Kilkenny, S.): I am very unwilling, Sir, to interfere—[*Cries of* "Order, order!"]

MR. SPEAKER: Order, order! As many as are of that opinion say "Aye." [*Cries of* "Aye!"] The contrary "No." [*Loud and repeated cries of* "No!"]

MR. T. M. HEALY: I beg that none of my hon. Friends will vote against the Motion. I am going out.

The hon. and learned MEMBER then left his place and walked out of the House.

Question put, and *agreed to.*

MR. SPEAKER: The "Ayes" have it. [*Laughter from the Ministerial side of the House.*]

The following is the Entry in the Votes relating to this subject:—

When the numbers had been declared, the Chairman quitted the Chair, having informed the Committee that he had requested the Speaker to return to the House.

Mr. Speaker resumed the Chair:—

Whereupon the Chairman reported to the Speaker that during the course of the Committee, interruptions to the proceedings occurred on the part of Mr. Timothy M. Healy, the honourable and learned Member for North Longford, for which he apologized, but complained that he had been excited by the action of Mr. de Lisle, the honourable Member for Loughborough. That, whilst Members were leaving the House for the Division, Mr. de Lisle came to him and was conferring with him regarding an explanation he had desired to offer to the Committee, when Mr. Healy approached Mr. de Lisle, and said to him, "Come out, de Lisle, if you are a man. If you interrupt me again, I will break your neck," and that, as these words had been used whilst the Committee was engaged in a Division, he thought it advisable to report them to the Speaker.

The Speaker asked Mr. Healy if he had any explanation to offer to the House:—

Mr. Healy accordingly was heard; and in the course of his observations used these words:—

"I can only say, Mr. Speaker, that, as far as I am concerned, the whole incident is hateful to me. I feel, however, no regret, as far as I am concerned, regarding the course I have taken. I am willing to abide by the consequences;" and he thereupon withdrew:—

Whereupon Mr. Speaker Named him to the House for having violated the decorum of the House.

Motion made, and Question, "That Mr. Timothy M. Healy be suspended from the Service of the House," put, and *agreed to.*

MR. CHANCE: I beg, Sir, to draw your attention to the fact that a number of hon. Members below the Gangway opposite have marked this occasion as a Party triumph by jeers and laughter. [*Cries of* "No!" "Name!" "Order, order!" *and* "De Lisle!"]

SIR WILLIAM HARCOURT (Derby): I feel bound, though we have been most painfully compelled, I think, by our duty, to support the Motion that has been made, as it was impossible to justify the conduct of the hon. and learned Member for North Longford — I feel bound, I say, to implore you, Sir, for the honour of this House, to exercise your authority to prevent — [*Interruption from the Ministerial Benches, and cheers from the Irish Members*]—the systematic—[*Renewed interruptions from the Ministerial Benches.*]

MR. SPEAKER: Order, order!

SIR WILLIAM HARCOURT: I say —[*Continued interruption*] — Oh! You may move to suspend me, too, if you like—["Oh, oh!" *and cheers from the Irish Members*].

MR. SPEAKER: Order, order!

SIR WILLIAM HARCOURT: I appeal to you, Sir, for the honour of the House—[An hon. MEMBER: Is there any question before the House? *and Cries of* "Order, order!"]—to use your influence to prevent the systematic insult and provocation proceeding from hon. Gentlemen below the Gangway opposite——

Lord HENRY BRUCE (Wilts, Chippenham) here rose; but Sir WILLIAM HARCOURT not giving way—[*Cries of* "Order!" *and* "Sit down, Sir."]

MR. SPEAKER: Order, order! Does the noble Lord rise to a point of Order?

LORD HENRY BRUCE: I do rise to a point of Order, Sir. I want to ask if the right hon. Gentleman is in Order in addressing the House now?

SIR WILLIAM HARCOURT: I am making an appeal to you, Sir.

MR. SPEAKER: Order, order! I understood that the right hon. Gentleman rose to a point of Order, and to make an appeal to me.

SIR WILLIAM HARCOURT: I rose to make an appeal, and I think the noble Lord is one of the persons—[*Cheers from the Irish Members.*]

LORD HENRY BRUCE (repeatedly): I am not. I never said a word.

SIR WILLIAM HARCOURT (continuing)—who have taken part in that which we have witnessed to-night, and against which I am appealing to you, Sir—the systematic insult——

MR. SPEAKER: Order, order! I must remind the right hon. Gentleman that there is no question before the House. Of course I was willing to hear the appeal which the right hon. Gentleman has now made, and I can only assure him and the House, that disorder, from whatever side of the House it proceeds, is always reprehensible, and I think it has always met with repression at my hands. I deeply regret the occurrence which has just taken place, and I hope, for the honour of the House, that there will be no recrimination, and that both sides will preserve that Order which is essential to our debates.

DR. J. E. KENNY (Cork, S.): Before you leave the Chair, Sir, may I be allowed to offer a few observations by way of explanation?

Mr. SPEAKER left the Chair without reply.

THE CHAIRMAN thereupon resumed the Chair, and called upon the hon. Member for South Kilkenny (Mr. Chance) to proceed with his Amendment.

MR. CHANCE: I trust, after the painful occurrence which we have just witnessed, that hon. Gentlemen below the Gangway opposite will——

THE CHAIRMAN: Order, order! Will the hon. Gentleman address himself to the Amendment?

MR. CHANCE: I will do so, Sir. [*Laughter from the Ministerial Benches.*] This is shameful—[*Cries of* "Name, name!"]

THE CHAIRMAN: Order, order! I do not know who gave vent to that provocative laughter. [*Cries of* "De Lisle," *and cheers from the Irish Benches.*] It was most disorderly and irregular. As the accusation has been made against the hon. Member for the Loughborough Division of Leicestershire, I must call upon the hon. Member to say whether or not he was the author of that mocking laughter?

MR. DE LISLE: As you have appealed to me, Sir, I will, with your permission, most absolutely, and in the most unqualified manner, declare that on this particular occasion, as on many other previous occasions, when my name has been called out, I did not even smile.

MR. CHANCE: The Amendment I now move deals with altogether a technical point—only a very small one. I feel, however, I can claim the attention of the hon. and learned Gentleman the Attorney General for England to the matter—[*Interruption.*]

THE CHAIRMAN: Order, order!

MR. CHANCE: The first part of this clause we have already passed provides that where the plaintiff shall elect to proceed under the section, the notice may be served upon the person who at the time of the service of the notice shall be in possession of the land, and on such notice being served the tenancy in the holding shall be determined as if a writ of possession under the judgment had been duly executed. I have no objection to that, but the second paragraph commences—"Every person upon whom such notice"—really, Mr. Courtney, I cannot raise my voice sufficiently to make myself heard, such is the noise in the House.

THE CHAIRMAN: Order, order!

MR. CHANCE: It says—

> "Every person upon whom such notice is served shall thereupon be deemed to be a person put into possession as a caretaker."

I take objection to that as in no way qualified by the condition precedent. Under the second paragraph, if the notice is served by post upon any person in possession of the land that person will, thereupon, become a caretaker. If the notice is served on the head tenant alone the other tenants may lose their tenancy. I, therefore, desire to amend the clause by making it clear that as a condition precedent to this change of status, every person who is entitled to be served with a writ shall be so served. I propose to amend the clause thus—to leave out the word "every," adding to the clause the words "such notice as aforesaid having been served upon every such person as aforesaid, each such."

Amendment proposed,

In page 3, line 14, after "(2)," insert—"Such notice as aforesaid having been served upon every such person as aforesaid, each such."—(*Mr. Chance.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I am not at all disposed to dissent from the words the hon. Gentleman suggests; but I do not think they are necessary. I will undertake to provide that the change of status shall not occur until the notice is served on each person.

MR. CHANCE: That quite satisfies me. The right hon. and learned Gentleman will have regard to the condition precedent.

MR. GIBSON: I give a pledge that we will provide that every person entitled to be served with a notice shall be so served.

MR. CHANCE: Then I will withdraw my Amendment.

Amendment, by leave, *withdrawn.*

THE CHAIRMAN: Does the hon. Member move Amendments 55b and 55c?

MR. CHANCE: No; Amendments b and c were consequential.

MR. O'DOHERTY (Donegal, N.): With respect to Amendment numbered 56, and also Amendments 57, 58, and 59, they refer practically to the same matter, and may be dealt with at the same time.

THE CHAIRMAN: The hon. Member in whose name Amendment No. 56 stands is not here. I am at a loss to understand how it makes sense.

MR. O'DOHERTY: I think, Sir, that the Amendments that follow will make sense. I will show how the clause will read if the Amendments are accepted. No. 57 will insert, after "possession," the words "for six months certain;" and the other Amendments will leave out all the words down to the end of line 25. The section, then, would read thus—

"Every person upon whom such notice is served shall thereupon be deemed to be a person put into possession for six months certain."

This is really the time when the promised Amendments of the Government with reference to the period of redemption should come in; and this is also the time to discuss, at once and for all, the origin of this system of appointing caretakers. It is the opinion of many Members of the Committee, and of some Members of the Government, that it was established under the Act of 1860; but it is nothing of the sort. That is not the case. The old law provided for an out-and-out eviction, and it also provided for the case of the Sheriff getting legal possession for the landlord without removing the under-tenant and occupier. The procedure in olden times was that a writ was sent to the Sheriff, and he was directed by the solicitor in the case as to whether or not absolute possession was to be taken. If he was directed to take absolute possession he cleared the land; but if, however, he got directions to allow the parties to remain until they could make a settlement, the procedure was provided by the 94th section, which is to the effect that the Sheriff, or his officer or bailiff, may, with the consent of the plaintiff—namely, the landlord—execute any writ without removing from the possession of the land or premises any under-tenant or occupier who shall, at the time of execution, sign forms of acknowledgment. The Committee is aware that there are two forms of acknowledgment — one substantially leaves a man tenant-at-will, and the other provides that the sub-tenant's interest shall still continue. That is clearly a benefit to the tenant; and I submit that under the Act of 1860 it amounted to the vested interest of the sub-tenants. By your provision you deprive sub-tenants of this benefit, and really turn labourers on a farm into weekly tenants. Do the Committee mean to turn into caretakers the honest, hard-working men who were, in point of fact, entitled to remain in possession but for the failure of the immediate tenant to pay the rent? Further on, in the Act of 1860, provision was made for the tenant himself, or any other occupier signing the acknowledgment. The procedure in this respect was altered by the Civil Bill Acts, but only very slightly. What I want the Committee to understand is that in none of these cases where the men were put in under acknowledg- removed to Petty Sessions. I appeal to ment or attornment could a case be the right hon. and learned Gentleman the Attorney General for Ireland as to whether that is not so? Under the old law, under the old acknowledgment, and under the Land Act that you yourselves passed in 1860, provision was made for the restoration of the man to his holding; and provision was further made that if a tenant misconducted himself, and committed waste upon the holding, application could be made to the Petty Sessions. When we were discussing this matter yesterday, the hon. and gallant Gentleman the Member for North Down (Colonel Waring) told the Committee that he never knew of a man being turned out unless he was committing waste. It is quite evident that the hon. and gallant Gentleman cannot have studied the Act of 1860. The procedure for turning out a man at Petty Sessions is the entire device and construction of the land agents of Ireland. I entirely acquit the landlords of any blame in the matter, because it is well known that the authors of that provision were the land agents who sat in Petty Sessions. They brought the Sheriff on the ground, and said to him—"Don't execute the writ in the way provided by Statute, because, if you do, we shall have to go before the Civil Bill Court; put the tenant in as caretaker, and then we will proceed against him at Petty Sessions." That is the history of the system of caretaking—a system which is, in my opinion, not only without statutory foundation, but which is directly contrary to Statute. The Government are well advised in this matter in having a special provision that a certain section of the Act of 1860 shall apply to this. The 86th section of the Act of 1860 provided for the case of the old cottier tenants in Ireland whose tenancy was determined by a notice to quit. The section provides for the case of any person who shall have been put into possession of any lands or premises by permission of the owner as servant, herdsman, or caretaker. I submit that that section of the Act of 1860 only referred to hired servants. A few hours ago I tried to save the tenants of Ireland by a reference to the Rules of Court; but the answer of the Government was that I was changing the Act of 1860. The right hon. Gentleman the Leader of the House (Mr. W. H. Smith) contended that the Government did not intend to change the Act of 1860; but I maintain that they are changing the Act of 1860, inasmuch as they are introducing a fundamental change which was never intended by the authors of that Act. When we try to save the tenant of Ireland from the consequences which are involved in your change of the law we are accused of a change of tactics. I submit that the change in tactics is to be found upon the part of the Government. Now, I will only refer to one other section of the old Act—namely, the one which has reference to recovery in case a tenant misconducts himself. Supposing a person put into possession under a form of acknowledgment and becomes a tenant-at-will, the 84th section applies to him; and that section provides that if a tenant-at-will maliciously injures or destroys any part of the premises the landlord can come in. The practice of appointing a man as caretaker is really one of the screws invented by the land agents of Ireland, and it has no sanction whatever in the legislation of the country. Is it too much to ask that the Government will reconsider whether or not they will not refer back now, and take bodily the provisions of the Act of 1860, and apply them to the evictions under this Bill? We will accept these provisions; because under them a man will remain in possession for six months certain, unless he commits waste, in which case I have no sympathy with him. I beg to move to insert, after the word "possession," in line 15, the words "for six months certain."

Amendment proposed, in page 3, line 15, after the word "possession," insert the words "for six months certain."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

MR. GIBSON: Under the Act of 1860 a landlord, when he got possession of the premises by execution, could do what he liked with the premises. In the first place, he might clear the premises altogether, and keep them on his hands for six months; or, in the next place, he might get the party to sign an attornment for the six months, and, at the end of that period, make an arrangement with the under-tenant. In the next place, it was possible for him to create the under-tenant a caretaker. Each and all of these processes were at the choice of the landlord; and the Act of Parliament never contemplated that the person who was dispossessed should have any right whatever to force one of these methods upon the landlord against his will. The common process now adopted in most parts of Ireland is that during the six months the dispossessed tenant should be allowed to remain in the holding as a caretaker. The man does not pay any rent; practically, he lives rent free. Now, our proposal is this—that, whether the landlord likes it or not, the people who are dispossessed, or whose tenancies are determined, shall be turned into the position of caretakers. We have made a very substantial concession in this matter; but I am afraid that concession is only an invitation to hon. Gentlemen opposite to make further demands upon us. The concession we make is upon the very lines suggested by the right hon. Gentleman opposite the Member for Newcastle-upon-Tyne (Mr. John Morley).

MR. O'DOHERTY: It is perfect nonsense to talk about half-a-year's rent, when the whole of the tenant's interest is in mortgage. If the Government are well advised in this matter they will agree to the Amendment I suggest.

Question put, and *negatived.*

MR. CHANCE (Kilkenny, S.): I do not think the Amendment I now have to propose will lead to any long discussion, and I trust and believe that the fate of this Amendment will be completely different to the fate of other Amendments we have been disposing of. I have pointed out already that, although a decree for eviction may be hanging over the man's head, so long as he is in occupation he is entitled to exercise the franchise. We are told that great benefit is to be conferred by this Bill upon the tenants of Ireland. But I desire to point out to the Committee, and especially to the Dissentient Liberals, that the result of this section is that in the case of 10,000 or 15,000 men who are already under sentence of eviction, the service of this notice through the post converting them into caretakers will prevent them exercising the franchise. If this clause stands without this Amendment there is nothing now to prevent the landlords of Ireland, on the 19th July, by a mere service of notices through the post, disfranchising between 20,000 and 25,000 tenants. I make the Government a present of this position. I am convinced that this result never struck the draftsman of the Government; but such a result will undoubtedly follow. It may be said that where there is a house on the holding, and that house is in possession of one person who was formerly tenant, but who has become caretaker, that person would be entitled to exercise the franchise as an inhabited occupier. The answer to that is that this clause makes every sub-tenant a caretaker. If there are two or more persons living in the house, each of whom has been served with a notice, they are all degraded to the position of caretaker, and none of them will be entitled to the franchise. In the case of large farms there are often two or more persons working the farm. If these persons live in one house, two of them, at least, will be entitled to the franchise as rated occupiers; but, on being degraded to the position of caretakers, they lose the franchise; two of them living in one house, neither of them can be registered as an inhabited householder. I do not believe it is the intention of the Government to affect the status of the tenant in this way; but if the Government permit this clause to pass in its present shape, there will be the greatest inducement to commit fraud; there will be the strongest inducement to landlords in the districts of the North of Ireland, the representation of which depends upon a few hundred votes, to serve these notices and destroy the tenancies, and thus secure a double advantage. I appeal in this matter, with confidence, to the noble Marquess the Member for Rossendale (the Marquess of Hartington) and to the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain). I ask them, will they allow this thing to be done? I do not believe they will; and I move this Amendment with the full conviction that it will be carried without a dissentient voice.

Amendment proposed,

In page 3, line 21, after "caretaker," insert—"Provided always that so long as a person is in actual occupation of a holding or any part thereof, such person shall, notwithstanding anything in this section contained, be deemed for the purpose of being registered as a vote for voting at any Parliamentary or Poor Law election to be a tenant."—(*Mr. Chance.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I am sure we shall all be of opinion that we should not retain anything in this Bill to modify the franchise. I conceive that if the hon. Gentleman's Amendment were carried we really should alter the franchise. [*Cries of* "Oh, oh!"] I may be wrong in law, but I will explain what I conceive the law to be. Under the law, as it at present stands, I believe that when a tenant is evicted, he, no doubt, ceases to have his vote. A tenant will not lose his vote more effectually under the new process than he does under the old; therefore, you would really be altering the franchise and not altering the Land Law if you embody the Amendment of the hon. Gentleman in the Bill. That is the chief objection I have to the Amendment. There is another objection to the Amendment, and that is that if the proposal of the hon. Gentleman were carried into effect there would be a different franchise for the borough than there is for the county. A tenant who is evicted in a town would lose his vote, but a tenant who is evicted in the county would not lose his vote. I think that these two objections ought to induce the Committee to disagree with this Amendment.

MR. CHANCE: The right hon. Gentleman obviously speaks under a complete misapprehension as to the effect of this clause. I take him upon his statement that this is merely a Bill to alter the Irish Land Law, and not to modify the franchise. He does not desire to make any alteration in the condition of the tenant so far as the franchise is concerned. What is the law now? It is that until the tenant is physically divorced from his holding he shall retain his position as far as the franchise is concerned—until he is physically divorced, be he put out as caretaker or otherwise, he retains the franchise. I desire that the law shall remain entirely in the same position. I desire by this Amendment that until a tenant is physically put out of his holding no piece of paper served through the post shall destroy his franchise. I hold, therefore, that the result of this Amendment indubitably is to substantially retain the law in its present condition. It uses the same period and the same means to mark the destruction of the franchise. That, I think, disposes of the second argument of the right hon. Gentleman the Chief Secretary. I am perfectly aware that Clause 4 applies only to agricultural holdings, and it is for this very reason that I confine the Amendment strictly to cases which would be affected by Clause 4. I am sure there are many hon. Gentlemen in this House who are perfectly familiar with the Franchise Law. There are many lawyers on the Front Government Bench, and there are many on the Front Opposition Bench, and there are many lawyers in other parts of the House; and I ask them to consider this question, and express independent views in the matter. I hold that if this Amendment is not carried it will be in the power of the landlords of Ireland to disfranchise whenever they please from 20,000 to 25,000 men. It will be within the power of the landlords of the North of Ireland in constituencies like those of North Tyrone and South Tyrone and North Fermanagh just before the 19th of July, by the mere service of these notices through the post, without the slightest intention of carrying out the evictions, to destroy the franchise of tenants for two years. I appeal to the hon. Gentleman the Member for South Tyrone (Mr. T. W. Russell) as to whether he desires to retain his seat through a subterfuge by the means of this clause? I am sure he does not. I ask for his vote on this occasion, and I think I shall get it.

MR. W. REDMOND (Fermanagh, N): I hope the Committee will accept this Amendment. There are many constituencies—and my own is amongst the number—in which these notices would probably be used for purposes of disfranchisement. It might be said that landlords would not incur the trouble and expense of serving the people with notices merely for such a purpose—that they would not issue the notices unless they intended to act upon them to the extent of eviction. But that is not the case at all. I do not exactly know the cost of serving the notices, but suppose it is £3 or £4. I know that in a closely contested constituency like my own, where the landlords are all on the side of the minority, they would consider it a cheap method of getting voters out of the way to serve notices at this rate upon tenants shortly before an election. There are very few tenants even in the North of Ireland who are not in arrears; and each one of them, if an Amendment such as this is not accepted, will be liable to have his vote taken away by his landlord by the expenditure of a small sum of money. I do not know whether it is the intention of the Government that the clause should be used in this direction or not; but I think it is probable the Government would be glad to see the clause used in the closely balanced constituencies in the North of Ireland. Anyway, it is an invitation to the landlord party to issue notices of eviction wholesale before the next election. I believe it is the opinion of most of us on this side that the result of this 4th clause making eviction easy will induce many landlords, who hitherto have been deterred from taking this course of proceeding, to evict their tenants; but the desire to evict will be intensified when they find that by serving these notices on the tenants they will not only satisfy their vindictive feelings, but deprive the National Party of a certain number of votes, and secure the probable return of an Orange candidate to Parliament. I am certain, in my own mind, from experience of two elections, that if this Amendment is not accepted, in my own constituency there are many landlords, who otherwise would not dream of serving notices on their hard-working tenants who are in arrears, who will do so immediately when they find that by this small expenditure they may turn the scale and secure a Party triumph. If the Government do not want the idea to get abroad among the people of Ireland that there is an intention to facilitate that course of procedure, and, at the same time, deprive tenants of the franchise, they had better accept the Amendment of my hon. Friend. I have little hope in making an appeal to the Government, for they appear to have made up their minds in regard to this 4th clause.

SIR WILLIAM HARCOURT (Derby): I really hope the Government will consider the strong reasons that have been urged in favour of the Amendment. I do not for a moment suppose that the Government intend that the clause should so operate; but there are very strong reasons given for supposing that it may so operate. The hon. Member who answered the right hon. Gentleman the Chief Secretary has disposed entirely of the objection that the Amendment would create a different franchise in boroughs and counties.

MR. A. J. BALFOUR: I said an objection was that, while it would leave the law as affecting boroughs as it is, it would make an alteration in counties.

SIR WILLIAM HARCOURT: That is exactly what we dispute. [*Cries of* "Oh, oh!"] Surely I may be allowed to state an argument. It is said you leave boroughs as they are. That is admitted. The hon. Member for North Fermanagh (Mr. W. Redmond) pointed out that a man was not disfranchised unless he was physically evicted. But now you are going to have a constructive eviction. It is a doubtful and mischievous kind of thing, and anything may be done under it. They will be more numerous than the actual evictions, for they are much more convenient. These constructive evictions may be used by people who do not intend to carry out an actual eviction at all, knowing very well that constructive eviction by paper notice will carry disfranchisement with it. That is what you ought to guard against. We know very well that in former times notices to quit were served in order to keep tenants under the control of the landlord, that the landlord might have his tenant under the screw. We have heard of such things in England, and especially in reference to elections. In former days tenants were put under notice in order to influence votes at elections. It is perfectly obvious the danger exists here. To what extent it exists I do not know; but those with experience of Irish elections are better judges of how it would be used; but, at all events, here is a possible danger you ought to guard against, the use by landlords of this constructive eviction, not with the intention of actually carrying it out, but merely to influence the result of an election. Surely there is reasonable objection to this.

MR. T. W. RUSSELL (Tyrone, S.): The hon. Member for South Kilkenny (Mr. Chance) made a special appeal to me, and I desire to say that I do not think the Government have any sinister intention in this matter. So far as my own constituency is concerned, I do not think that landlords are at all likely to issue these notices on my behalf; and if they did, all I can say is that I should be ashamed to occupy a seat in this

House by any such means. If this danger exists—and I believe it does to a limited extent—I think the Government would act wisely in preventing all chance of such a state of affairs. I represent a constituency where the two Parties are very evenly balanced, and anyone who is sent to the House from there has to go through a severe struggle; but I have no desire to have the distinction of being Member for South Tyrone by proceedings such as have been indicated.

MR. JOSEPH CHAMBERLAIN (Birmingham, W.): I cannot think myself there is much danger of the clause being used as suggested. In order that the disfranchising notice should be served, it is necessary, in the first place, that the tenant should be in arrears; secondly, that the Court exercising an equitable jurisdiction should allow the notice to issue. These two things are safeguards against the clause being used with such sinister intention as is ascribed to some of the landlords of the North of Ireland. There is a broad assertion in the statement of the right hon. Gentleman the Chief Secretary. He says there is no intention to alter the position of the tenant as regards the franchise; and if, under the present law, he is not subject to disfranchisement until he is physically divorced from the soil by actual eviction, then I understand the Government does not desire that he should be disfranchised by the mere service of notice. It is really then a question of law and fact, and my vote must be determined by what the right hon. and learned Attorney General for Ireland says. If he says that the Government proposal will not alter the present law, will not have any disfranchising effect on the tenant that the present law has not already, then I am prepared to vote for the retention of the clause as it stands. But if it makes any change in the law, then the Government are bound by the declaration of the right hon. Gentleman the Chief Secretary to consent to an Amendment.

MR. CHANCE: The point of my objection—my allegation—is, that under the clause before there is any physical divorcement the tenant will be disfranchised.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): As I understand the right hon. Gentleman the Member for West Birmingham, he asks me whether this section makes any change in the franchise law? To this I say that, as I understand it, it will not. Under the present law, in order to evict a tenant the tenant must be dispossessed. If he is allowed to go back as caretaker, then, though the occupation is continuous, his qualification changes, and he has a vote as householder.

MR. CHANCE: If he is the only occupant of the house.

MR. GIBSON: The question is as to the actual dispossession, the pushing out of the tenant, and the effect on his vote. If he continues in occupation the inhabitant franchise is not affected. Now, what we propose to do is to substitute for this proceeding a sort of ideal eviction by notice, and how this will affect the franchise I do not understand, except in the way referred to by hon. Gentlemen below the Gangway, that it will facilitate the process and increase the number of ejectments. This allegation introduced to strengthen their main contention was dealt with by the right hon. Gentleman himself, when he pointed out that the County Court Judge would interpose and prevent the landlord from cruelly and wantonly exercising his right if he were disposed to do so. All I can say is that if, according to the suggestion of hon. Members below the Gangway, landlords would exercise their power to affect the franchise, they would be great fools, for the Northern tenants would not stand it for a moment.

MR. JOSEPH CHAMBERLAIN: No doubt it is my ignorance, but I confess I am not able to follow the reply of the right hon. and learned Gentleman. The question I want to put is this. I assume, under the present law and under the new law, the same case of a tenant who is evicted and reinstated as caretaker. Under the present law he is first evicted, and then he is reinstated, and as I understand does not lose his vote until he is the second time evicted, and this time deforced from the soil. That is what I understand. But I understand again that under this Bill the tenant, from the moment of receiving the notice which, as the right hon. and learned Attorney General for Ireland says, is an ideal eviction, the equivalent of an actual eviction, he loses his vote. If that is so, of course it does make a great difference.

Mr. GIBSON: As I understand the question of the right hon. Gentleman it is in reference to what he describes as the first eviction, and that is the only thing we are discussing, for if the man is put out altogether by the second eviction he is no longer on the premises. The termination of the tenancy does affect the man's vote as a rateable occupier, and in a certain class of cases mentioned by hon. Members it may affect his qualification as inhabitant occupier. The second eviction, as I have said, gets rid of the man altogether. We substitute for that first eviction an ideal eviction, and I say, as a matter of Franchise Law, that the ideal eviction will do less harm than the physical eviction of the old law.

Sir WILLIAM HARCOURT: I understand that the answers have secured the vote of the right hon. Member for West Birmingham for the Amendment. The test question put was to ascertain the fact that nothing but physical eviction would affect the vote, whether the paper eviction would affect the vote, and the right hon. Gentleman admits that it will affect the vote. We are told that the method of eviction is beside the question; but it is not altogether beside the question, because there is a possibility of a greater number of evictions that makes it the more important to look after this security. That under the new principle evictions will be more numerous the right hon. and learned Attorney General for Ireland does not dispute. I mean that the number of notices will be greater than the number of actual evictions.

Mr. GIBSON: I dispute that altogether.

Sir WILLIAM HARCOURT: I understood that he admitted that. We are of opinion that the paper notices will be greater than the present evictions. If that is so there will be much more disfranchisement under the paper notices, which the right hon. and learned Attorney General for Ireland calls ideal evictions, a euphemistic term, and I am afraid his ideal eviction will have a very sad reality. Call them ideal evictions if you like, it is a convenient form of bringing about the same result. The right hon. and learned Attorney General for Ireland has failed to answer the question of the right hon. Gentleman the Member for West Birmingham, and concludes by appealing to the impregnable farmers of the Northern landlords. But that is a doctrine that is not held by the hon. Member for South Tyrone. Your Bill is an admission that tenants could not rely on the Northern landlords. Ulster Members by the hon. Member for South Tyrone demanded a reduction of rents on behalf of the tenants of Ulster, and we have had examples of what the landlords do. Why, as I have said, even in England in former times landlords have given notices to gentlemen for the purpose of affecting elections. If the right hon. and learned Attorney General for Ireland has no better argument than undoubted confidence that no Northern landlords will use this paper process of eviction for Party purposes I think we have insufficient security. If it is possible that this power may be used under the name of a Land Bill having a disfranchising effect on tenants, then I think we ought to make some provision against it.

Mr. MOLLOY (King's Co., Birr): This discussion is an example of how time is wasted by the action of the Treasury Bench. The demand made is a fair and simple one. It is that tenants now in possession of the franchise shall not lose it in any way different to that they would lose it under the existing law. The right hon. Gentleman the Chief Secretary for Ireland says there is no intention to do anything of the sort. I admit that. I do not suggest it is his intention. I do not believe for a moment the Government have any intention of going to that extent. Well, if that is so, why not accept, if not the exact form, the spirit of an Amendment to meet the views of both sides? Alter the Amendment to meet at once the demand on this side and the admission of the right hon. Gentleman the Chief Secretary. I maintain it is simply waste of time for the Law Officers to rise in their places and give opinions as to how the matter will be. No Law Officer can tell us how the Revising Barrister will construe the clause in its reference to the register. There are not barristers in Ireland or England of whom we can say assuredly they will take the same view. The right hon. Gentleman the Member for Derby may be ridiculously wrong or absolutely right, or the right hon. and learned

Attorney General for Ireland may be the one or the other. What I say is that we raised this question a long time ago; we ask that the franchise shall be affected in no way different to the way in which it is affected now? The right hon. Gentleman the Chief Secretary says the Government have no intention of making any change; then why in Heaven's name does not a Member of the Government get up and say they will accept or propose an Amendment to carry out that upon which we agree?

Mr. A. J. BALFOUR: The only difference between the old state of things and what I may call the new state of things will be this—that whereas under the old or present state of things a landlord can deprive a tenant of his vote by evicting him for arrears of a rent that may be too high, under the new state of things a tenant could only be deprived of his right to be on the register as a voter after eviction for a rent admittedly a fair one.

Mr. CHANCE: I am sure the right hon. and learned Attorney General for Ireland desires to state with frankness what he believes to be the law. I do not want to be egotistical; but I think that I have had more experience of the law that regulates franchise and registration than he has had, or I hope he ever will have. For the last three or four years I have annually spent some seven or eight weeks in the North on work relating to the subject, and desperate work it is. Now, the present position is this—that physical divorcement is necessary before a man is deprived of the franchise—that alone puts an end to his qualification as tenant. After physical divorcement he can come back as caretaker, and when sole occupier he still has his vote; but where, as is very frequently the case, the man shares occupation with a brother or brothers, where it is a case in which a man and a relative working together live in the house and pay the rent, and eke out a living, the result of the man becoming a caretaker is that both men lose their votes. That is the effect, but the landlord has to go through the process of physical divorcement before the man is disfranchised. But under this new law the franchise will disappear with the service of this paper notice. Two brothers, an uncle and nephew, or whoever it may be labouring to make the rent on a farm of £30 or £40 valuation, by the service of this paper notice without any trouble or real intention of carrying out an actual divorcement, absolutely lose the franchise, and in most cases would lose it for two years. That is the plain statement, and now let me draw attention to the wording of the Amendment. It does not give this notice any effect whatever; all it says is that this notice, apart from divorcement from the holding, has no effect on the franchise. Therefore, it is impossible for a lawyer's *Nisi Prius* arguments to show that it has any effect in altering the law as regards the franchise. All it says is that the alteration of the procedure of the law under Clause 4 shall not extend to the question of franchise. That is the plain statement of fact. I would ask the hon. Member for South Tyrone (Mr. T. W. Russell) if that is not so, and he has considerable knowledge of registration matters? You have from 10,000 to 15,000 judgment decrees held over by the landlords, and the latter; without going through the trouble and scandal of actual eviction, can, by the service of this paper with a penny stamp, bring disfranchisement upon every one of these tenants.

Colonel SAUNDERSON (Armagh, N.): I have no desire, speaking as an Irish landlord, that the Irish tenant should as regards the franchise be placed in a worse position than he is in at present; and as I do not believe it is the intention of Her Majesty's Government that any portion of this Bill should place him in a worse position, I do not see why the Government should not see their way to make the clause plain, so that an Irish tenant may be perfectly certain he is not placed in a worse position under this Bill than under the law as it now exists. Let the Government make it perfectly plain that something more is required than the service of the notice. There is no desire, on the part of Irish landlords, to avail themselves of the clause in the sense suggested, and they would be perfectly satisfied with the Amendment I have indicated.

The ATTORNEY GENERAL (Sir Richard Webster) (Isle of Wight): There is no ambiguity in the matter; but it is well the House should understand the point before voting upon it. At present a man becomes a caretaker upon the execution of the decree of eviction. He is evicted, and comes back as a caretaker, and in that position he loses his vote. He has the right of redemption and other rights; but, as caretaker, he has no vote or qualification to be on the register. Now, it is suggested that the person who is going to be a caretaker shall be in the position of a rateable occupier, because, it is said, he is turned into a caretaker by a paper notice instead of by the process of physical ejectment. In the one case the landlord gets his decree, and the law carries it out, and in the other case judgment can only issue pursuant to the control and safeguards provided under Clause 22 of this Bill. How is it possible for the Bill to make a caretaker more readily than now? How can it be effected under more harsh circumstances than now, safeguarded as the tenant will be by the provisions of this Bill? Why should a caretaker under the new Act have a right he does not have now of being considered as a rateable occupier? It would be a distinct alteration of the Franchise Law for the caretaker to be regarded as such.

SIR WILLIAM HARCOURT: I regret there should be this waste of time, when there is a disposition on both sides to accept a reasonable Amendment. Of the eviction decrees outstanding, thousands are not intended to be put in force; but, under this new clause, hundreds, and I believe thousands, of men could be disfranchised to-morrow morning by the penny post. Then you say this does not change the law, and that you have no intention to change the law, when you know that not one of these men, under the existing law, could be disfranchised without an actual eviction. You do not intend that there should be disfranchisement under the Bill; but you do place power of disfranchisement in the hands of persons who, under certain circumstances, might desire to use it. I do not desire to impute any such intention to a large number of landlords; but if there is risk of its being so used in only one instance you ought to provide a safeguard. The hon. and gallant Member for North Armagh (Colonel Saunderson) has spoken out in a reasonable and manly way. Why the Government should go on pertinaciously wasting the time of the House in resisting that which their supporters, the hon. and gallant Member for North Armagh and the hon. Member for South Tyrone (Mr. T. W. Russell), advise them to accept, on behalf of the landlords of the North of Ireland, I cannot understand. It seems to show that the Government are, in their policy, more landlords than the landlords themselves.

MR. SEXTON (Belfast, W.): We begin to suspect, from the resistance offered to this Amendment, that there is more in the matter than appears on the surface. The Government profess to desire the same result as that we aim at; and, if so, I am at a loss to understand, after this expression of the mind of the Government, why they are unwilling to import words into the clause to give effect to their intention. Notwithstanding the ardent differences of opinion between the hon. and gallant Member for North Armagh (Colonel Saunderson) and ourselves, we have heard him support this proposal. The hon. and gallant Gentleman has taken a stand honourable to himself, and which, if we could accept him on this occasion as an exponent of the policy of the landlords, would be honourable to them. But, on this occasion, I think we must regard him as more than an average specimen of the Ulster landlord. How does the law stand at present? When the tenant is physically removed from his holding, whether he is allowed to return or not, his qualification for the franchise ceases. The argument of the Government is that when this clause passes the tenant will be in no worse position than under the law as it now exists, and they point out that Clause 22 of the Bill allows the Court to put a stay on the execution of the judgment. But the landlord, when once judgment is taken out, need not stay for execution—he can at once serve a notice under Clause 4, and thereby disfranchise the tenant. The moment that notice is served the tenant passes to the position of caretaker, and his legal qualification to be registered for the franchise ceases. There are thousands of judgment decrees in the hands of landlords, and there are seats in the North of Ireland won from the Nationalist Party at the last Election by very narrow majorities. I think the hon. Member for South Tyrone (Mr. T. W. Russell) was returned by a majority of less than 100 votes, and there is a rumour that the action of the hon. Member in regard to this Bill has annoyed his landlord supporters, so that they are debating whether the hon. Member shall be their Representative again. Well, it may be that this power of disfranchisement may be made to serve the purpose of change. I will do the hon. and gallant Member for North Armagh the justice to believe that he would never hold a seat by any such device. He certainly never fails to express his opinion frankly. All who vote for him know what kind of man they are voting for, and those who are against him have never any misapprehension of the position he maintains. He speaks with the energy of conviction, and I think on this occasion he is entitled to more respectful attention than he has received. It may be that a landlord may have no intention to evict; but where the winning of a seat for his Party depends upon a few votes there is many a landlord would do worse things than serve notices in order to disfranchise tenants. Can this be denied? We who say it know Ireland well. The hon. and gallant Member for North Armagh is unwilling that such things should happen; the hon. Member for South Tyrone is with us; Members of the Liberal Unionist Party and of the Tory Party unite with us in entreating the Government to insert in the Bill words that will give effect to what they say is their own intention.

Mr. A. J. BALFOUR: Let us see where it is we agree and where we differ. We agree that the present state of the law on this point and the position under this Bill ought to be the same, and that if it changes it, it should be altered. The legal opinion on this side is the Bill makes no change; but we will consider the question carefully, and if we find that there will be any difference whatever between the old and the new state of things, then we will bring up Amendments to assimilate them.

Mr. CHANCE: What we seek to determine is the point at which a tenant loses the franchise. Will the Government undertake that under the new clause, even when a notice is issued, the point at which a man is disfranchised will be when physical divorcement takes place, if it ever does take place?

Mr. A. J. BALFOUR: Yes; I apprehend the point. If that is the existing law, then it shall be so under the new law.

Sir WILLIAM HARCOURT: But it is not to be on the technical interpretation of the law, but the law applied to facts, that the tenant shall be left in the same condition as now. I desire we should be understood to mean that the tenant shall stand *ipso facto* in the same position—that he shall not lose his vote until he is physically expelled from the premises. That is the clear point. If we have a pledge that, as now, a man not physically expelled does not lose his vote, then we may leave it to the Government to carry out their intention as they think fit.

Mr. EDWARD HARRINGTON (Kerry, W.): Under the present law a man is held to be in substantial occupation until the forcible ejectment is complete. Now, the Government wish to substitute the paper divorcement from the holding; but I say this proper divorcement will never come home to the minds of the poorer tenants, and they will, without knowing it, lose both social and political status at once. The right hon. Gentleman the Chief Secretary should do more than say if the law is so at present so it shall be in the future; he should arrange that the absolute divorcement is the point of disfranchisement.

Sir WILLIAM HARCOURT: We have not had an assurance from the Law Officers of the Government that a tenant shall not lose his vote until he is physically expelled from his holding. Until we have had that assurance we have had nothing.

Sir RICHARD WEBSTER: I can only repeat what I have said, that, so far as I understand the law, it is not the physical divorcement in any shape—[Sir William Harcourt interposed with a remark which was inaudible.]—the right hon. Gentleman is exceedingly impatient at the slightest sound when he is speaking. As I understand the law, it is not the physical divorcement that loses the vote, but the change in the qualification of tenant when he ceases to be rateable occupier and becomes caretaker. I wish to debate this fairly; and let me point out that the Amendment goes far beyond the intention expressed. The Amendment proposes that any person in the occupation of any holding, or part of a holding, shall be entitled to be considered a tenant, notwithstanding anything in this section. That is to say, any person, under any circumstances, from the simple fact of being in occupation, is to have the qualification of a rateable tenant, though he may be but a caretaker. Now, with great deference to the legal opinion of the right hon. Gentleman opposite, I say it is not a question of losing the vote by divorcement from the land; it is a question of losing the vote from ceasing to have the qualification for being on the register.

SIR WILLIAM HARCOURT: I am glad we have got this explanation, for it is quite clear we are going to get nothing from the promise. I think the right hon. Gentleman the Chief Secretary for Ireland and the right hon. and learned Attorney General for Ireland would have been glad to have made this concession; but the hon. and learned Attorney General for England introduces his *Nisi Prius* arguments, contrary to common sense and common justice. He says the qualification determines the right to be on the register. But you are altering the whole character of the process of eviction; it is that that makes the alteration of position. I hope we shall stick to this—that while the tenant is physically in his tenancy he shall have his vote. If you alter that position, you alter—if not the law technically—the facts to which that law has hitherto been applied. It is a mixed question of law and fact, and the hon. and learned Attorney General for England adroitly, subtly wraps up the differences that arise in fact and rides off on a technical point of law. That is what we have been at all the evening; we have only just got to the real circumstance and point of the question, and, having now spent an hour and a-half upon it, I suppose we must spend another hour and a-half in trying to convert the hon. and learned Attorney General. We have not got very far. I thought we had made some progress when the right hon. Gentleman the Chief Secretary spoke. I was satisfied with his assurance; I am quite sure the right hon. Gentleman meant to deal fairly with the question, if he clearly understood what has to be dealt with; and I hope the hon. and learned Attorney General will not go on spinning his cobwebs round the subject, but will allow us to take a common-sense view of the matter. It ought not to be a matter of special pleading; it is a matter of simple justice to the Irish tenant. It has been very sensibly said, whether it is likely to happen or not, do not raise suspicion in the minds of tenants, and go to them with the fine-spun arguments the hon. and learned Attorney General has addressed to us. Let us stick to this. A man shall not lose his vote unless he is physically expelled from his farm. That is a plain common-sense proposition that all the Attorneys General in the world ought not to confuse. If the Government accept our meaning, and will give us an assurance that they will carry out that meaning, then the Amendment will be withdrawn; if not, then I hope the discussion will be continued until we have sufficiently convinced the Committee.

MR. CHANCE: The hon. and learned Attorney General for England stated that the Amendment would create a new franchise. Now, I confess I heard that with pain and surprise. What is the Amendment? It is a provision that the status of the tenant, so far as his vote is concerned, shall not be affected by anything in the Bill—that notwithstanding anything in this clause his present status shall continue. It leaves the law precisely as it finds it. It does not make a new tenant; but it says that nothing in the clause shall affect the franchise where the franchise existed before. The hon. and learned Attorney General says a man, when evicted, comes back as a caretaker. Very often he does; but the point is this—that until the Sheriff comes down with his *posse comitatus*, with his crow-bar men, and puts the man and his property off the holding, until that happens the tenancy is not determined, and the tenant may come back even as caretaker if you like; but he must be put outside the holding, and then only does he lose his vote. What we want to secure is, that this paper notice shall not be equivalent to the physical putting out of the tenant, so far as the franchise is concerned. I am sorry we are met with a series of ingenious technicalities, that the Government do not deal with the substantial point, but ride off on a promise that means absolutely nothing.

MR. HENRY H. FOWLER (Wolverhampton, E.): I think we are entitled to some further answer, for we are now left in a very peculiar position. The right hon. Gentleman the Chief Secretary for Ireland made a very fair offer, that this matter should be considered by the Government on the lines he himself maintained from the first. He had no desire, he said, to make any alteration in the law. But no sooner had he done speaking than the hon. and learned Attorney General for England (Sir Richard Webster) put a totally different construction on the clause, closing the door to all reconsideration. He tells us that the tenant will be disfranchised. We are in this further difficulty—that the hon. and learned Attorney General for England does not agree with the right hon. and learned Attorney General for Ireland (Mr. Gibson); and, therefore, it is not surprising that doubt arises in our minds——

SIR RICHARD WEBSTER: How do we differ?

MR. HENRY H. FOWLER: I will tell the hon. and learned Attorney General where he differs from his Colleague. When the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain) interposed, he asked a plain straightforward question, whether the loss of the vote depended on the physical divorcement from the soil, and the right hon. and learned Attorney General for Ireland said it did. The hon. and learned Attorney General for England said it did not depend on that, but upon the man becoming a caretaker.

MR. GIBSON: I was asked whether the new process would make any difference in the franchise from the old method, and I said it would not—that the service of the ideal eviction would not produce a greater or less effect than the old method.

MR. HENRY H. FOWLER: That is exactly the point in dispute. The right hon. and learned Attorney General for Ireland said that there would be no physical divorcement from the soil with the new notice, but that the new notice, which he euphemistically calls the ideal eviction, will have the same effect on the vote as the actual eviction. That is exactly the point in dispute. We do not want the ideal eviction to have the same effect. We say that it will be put in force in a vast number of cases where the notices will not ripen into absolute eviction. I will go further, and say that Clause 22 will have to give relief to all tenants against whom judgments are now obtained; and when we reach that clause we shall endeavour to give it a retrospective operation. But the point now is, as it was an hour and a-half ago, will you disfranchise tenants by the mere service of these notices, and you say the service of the notice will have the effect of a real eviction? You cannot disguise the effect of this change by any amount of hair-splitting. We do not ask for a decision now, but give a fair reconsideration to the merits and facts of the case, and not to the technicalities of the Attorney General, on which reconsideration would be useless. If you are going to take your stand upon this, that the ideal eviction shall have all the effects of a real eviction, then we are bound to carry our opposition to a Division.

MR. FINLAY (Inverness, &c.): It is a pity to see so much time consumed when, as I hope, there is no substantial difference of opinion. It is agreed on all hands that the section should not have a disfranchising effect. It has been pointed out that the terms of the Amendment are, perhaps, rather too wide. The law, as I understand it, is perfectly clear that a man, by becoming a caretaker, loses his qualification to vote. At present it is a difficult and troublesome process to convert him into a caretaker. It is now proposed to adopt this simpler process, and though you may say that it makes no change in the law as regards the franchise, yet, in point of fact, a great many tenants might be disfranchised by the service of the notice, and this, I am certain, is not what the Government intend. May I offer, then, a form of words, such as the following, to present a way out of the difficulty—

> "Provided that a tenant shall not, by virtue of a notice under this section, lose his qualification to be on the register as a voter."

I think these words will be found free from the objection to the present Amendment pointed out by the hon. and learned Attorney General.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): We will undertake to consider these or other words, in order to carry out what is distinctly the intention of the Government, that no disfranchising effect should be produced by the operation of this clause.

SIR WILLIAM HARCOURT: We should be quite satisfied if the Government accepted the words the hon. and learned Member for Inverness (Mr. Finlay) has just suggested, that these notices shall have no disfranchising effect at all; that the operation of these ideal evictions shall not carry disfranchisement with it under any circumstances. Will the right hon. and learned Attorney General for Ireland tell us that is what he is prepared to carry out?

MR. W. H. SMITH: We cannot go beyond the undertaking I have given, that we will consider words to insure that the law shall not have a further disfranchising effect than at present. We desire to attain the object the right hon. Gentleman himself desires to attain; but we cannot accept the words without full examination and consideration. Beyond that I cannot go.

MR. CHANCE: Will the right hon. Gentleman undertake that these paper notices will, so far as the franchise is concerned, not have the effect of the physical divorcement at present?

MR. W. H. SMITH: I have already said the object sought to be attained by the words will be, if possible, attained.

MR. CHANCE: Then, under the circumstances, I am sorry to say I feel compelled to divide.

MR. PARNELL: I hope my hon. Friend will not consider it necessary to persist in this Motion, but will rely on that good sense and fairness in which, I am sure, the right hon. Gentleman the First Lord of the Treasury will not disappoint us. In that belief we may accept his statement.

MR. CHANCE: I will ask leave to withdraw the Amendment, though, I confess, I do so with considerable reluctance.

Amendment, by leave, *withdrawn.*

MR. M'CARTAN (Down, S.): The Amendment I have to propose is that standing in the name of the hon. Member for East Waterford (Mr. P. J. Power). According to the present law, when the landlord desires to take possession he obtains a warrant signed by two Justices, and a caretaker is turned out in seven days. I believe, by an Amendment inserted in the present Bill, this will not take place under the new Rules; but the proposition in the Amendment is that the magistrates should be left with a discretion to stay the execution of the warrant they issue for three months. To this the first part of the Amendment is directed, and I do not think the Government should hesitate to accept it. As to the second part of the Amendment, it deals with that provision of the law that requires notice shall be given to the relieving officer of the district before the actual eviction takes place. The object of this is that provision may be made for the relief of the destitute poor whom the landlord proposes to eject from the holding. It is the duty of the relieving officer to make provision for the reception of the poor tenant in the workhouse, and if there is not room in the workhouse he has to make some provision for the tenant and his family until there is room for them in the workhouse. Now, what we want is that this rule be made applicable to the case of the caretakers under this Bill, and I do not think the Government can have any objection to accept that part of the Amendment. There is another provision which imposes a penalty on the landlord who carries out an eviction of this kind without first serving notice on the relieving officer. It also makes a misdemeanour where either a landlord or any person under him takes down the roof of a dwelling, or demolishes any part of a dwelling, unless that course is absolutely necessary for the purpose of obtaining entrance and possession. We have had cases in Ireland not long ago of roofs having been torn down and buildings demolished where there was no necessity for such measures; and although good landlords do not resort to such action, still bad landlords have done it in the past, and there is little doubt that bad landlords will resort to it again. We want to provide against the power to do that in the case of caretakers as well as in the case of ordinary tenants. I beg to move the Amendment which stands in my name.

Amendment proposed,

In page 3, line 25, leave out all after "caretaker" to end of line 41, and insert—"And notwithstanding anything to the contrary contained in the 89th section of the 'Land lord and Tenant Law Amendment Act (Ireland), 1860,' it shall be lawful for the justices therein named, at their discretion, to put a stay on the execution of their warrant for giving up possession of the holding for a period not longer than three months from the date of the warrant.

"And the enactments of the eleventh and twelfth Victoria, chapter forty-seven, intituled 'An Act for the Protection and Relief of the Destitute Poor evicted from their Dwellings in

Ireland,' shall apply to the delivering up or taking the land occupied by a caretaker under this section before the execution of any writ, decree, order, process, warrant, or otherwise for delivering up or taking possession of same."—(*Mr. M'Cartan.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): This is an Amendment which consists of two paragraphs. I am afraid the hon. Gentleman will not expect me to accept the first paragraph, as the Government have already made a concession practically in that direction. But with regard to the second paragraph of the Amendment, we have no difficulty in accepting it, because I think that what the hon. Member desires to secure by it is clearly right, only I am afraid that the actual wording of it may require to be altered.

THE CHAIRMAN: Does the hon. Member withdraw the Amendment?

MR. PARNELL (Cork): How does the right hon. Gentleman propose to amend the Amendment?

MR. M'CARTAN: I would appeal to the right hon. Gentleman again with regard to the first part of the Amendment. That Amendment gives a discretion to the magistrates, sitting together, to give three months' or two months' longer stay of execution in certain exceptional cases—in such cases as the right hon. Gentleman himself would think it was fair and reasonable to do so. I think if he looks at the end of the first paragraph again he will have no hesitation whatever in accepting it, and I would appeal to him not to reject this Amendment.

MR. A. J. BALFOUR: Of course, I feel very reluctant to resist the appeal which the hon. Member (Mr. M'Cartan) makes in that way; but we have already given to the caretaker one month's stay of execution, whether the landlord likes it or not. We have further provided equitable provisions which will prevent any injustice; but I think it is rather a strong order to press us to introduce a wholly new equitable jurisdiction, to a new magistrate in another Court, to go beyond that. I hope the hon. Gentleman will not urge us to go beyond the second paragraph of his Amendment.

MR. M'CARTAN: All I ask is that the occupier may have the right, in certain cases, to have recourse to the Justices. He would have to issue his summons, and then to appear and show reason why the premises should not be given up to the landlord. The discretion now given to the magistrates after the month is to be not less than seven days, and not more than 14; and we only wish to extend that discretion to a period of three months from the date of the warrant.

MR. CHANCE (Kilkenny, S.): I do not know whether the right hon. Gentleman has quite caught the intention of the clause. The position is this. The landlord must go to the magistrates at Petty Sessions. He cannot put out caretakers by his own course, but he goes and gets a warrant, and then comes and turns him out. Now, the magistrates are mostly landlords or landlords' agents themselves; and all that we propose is that these magistrates, themselves landlords, should have a certain jurisdiction to delay this procedure. And why? Because this process of putting out the caretaker is the real physical eviction, and we desire that the magistrates should be given this small jurisdiction, so that it may be in their power to prevent the scenes we have so often heard of in connection with these evictions. We have heard a great deal about these scenes. We have heard of dying men being turned out into the snow. We have heard of pregnant women being put out to deliver their children in the ditch. Now, we desire that the magistrates should be able to say, when a harsh landlord, or when a harsh bailiff or land agent, with instructions from any landlord, comes down and says—"I will throw out a whole country-side at Christmas Eve," we want these magistrates, when the case comes before them, to have it in their power to say—"No, we will not allow you to do that; we are landlords ourselves. The law has given us the power to prevent these disgraceful scenes and these atrocities, and we will not let you do it." The effect would be this, that when a man came and proved the fact that he had a sick wife or a dying mother in the house, the magistrates can say—"We do not want to prevent evictions, but we do want to prevent these atrocities, and we will put them down," and then they would suspend the eviction for five or six weeks, and communicate with the landlord whom they know, and tell him that his agent was doing this atrocity and trying to put out the poor, starving, or dying people. If the matter was thus brought before the proper magistrates, themselves mostly landlords in the county, they would have an interest in protecting the reputation of their class, and in preventing land agents from exercising their brutality unchecked. The Government say that they have brought in this Bill to prevent unnecessary harshness at evictions. When, therefore, we propose an Amendment which will enable landlords to sit as a jury on their own class, are they not bound in common consistency and honesty, independently of humanity and justice, to accept this Amendment?

MR. O'DOHERTY (Donegal, N.): I would just like to point out to the Government that the ground on which the power of the landlord to regain possession has been defended was this—that where it could be shown that the holder had committed waste or was doing harm, then the landlord should have the right to come in. Now, I have only to point out that this Amendment will not affect that ground, because the magistrates would not exercise the discretion sought to be given them by this Amendment, if it were shown that it was a case of waste.

MR. PARNELL (Cork): I hope, Mr. Courtney, the Government will reconsider this whole matter. It surely must occur to the mind of the right hon. Gentleman the Chief Secretary for Ireland that there may be cases—probably that there will be cases—where magistrates are applied to for an order of ejectment against a caretaker, in which it might be desirable to give the magistrates the discretion sought for by the first portion of this Amendment. Surely it is rather a strong thing to say that you will not allow the magistrates, sitting in their own Petty Sessional division, and very probably with a knowledge of all the circumstances of the case, and of any particular hardship that might arise in any particular case, to postpone the eviction of the caretaker in question for the period named by the hon. Member for South Down (Mr. M'Cartan) if they think it is right to do so. Does not the right hon. Gentleman think it would be very hard not to give these magistrates the discretion to postpone the eviction of the caretaker under certain circumstances? It appears to me that if the magistrates are to be left any power at all, this is a power which might fairly be left with them. It may be true that they have not this power at the present moment in the case of the ordinary tenant; but you must recollect that you are adding very largely to the class of tenant. You are making this jurisdiction of these orders of the magistrates, practically speaking, substitutes for the order of the County Court; and I submit, although it may seem to be only a small matter, that the Government would be well advised if they gave way so far as to agree to the first section of this Amendment.

MR. MOLLOY (King's Co., Birr.): I understood the right hon. Gentleman suggested an Amendment to the second paragraph of this Amendment; but the whole of this Amendment has been moved in one. I do not know whether the right hon. Gentleman is of the same mind—I think he was going to move an Amendment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): With regard to what the hon. and learned Member for Birr (Mr. Molloy) has said, the Government will accept the second paragraph in an amended form; but it will be necessary not only to amend it, but also to insert it in another place later. Therefore, I would ask the hon. Member for South Down (Mr. M'Cartan) to withdraw the first part of his Amendment, and defer moving the second part until we come to the end of the section.

MR. M'CARTAN: You mean to withdraw the whole Amendment?

MR. GIBSON: Yes; to withdraw the whole Amendment, and to move the second part of it later.

MR. T. W. RUSSELL (Tyrone, S.): May I ask whether the magistrates have no discretion at present to stay the execution of the warrant?

MR. GIBSON: Well, yes; so I understood. The way the present law runs is—"It shall be lawful" for the Justices to issue the warrant. "It shall be lawful" for them to do so.

MR. M'CARTAN: What discretion have they under that?

Mr. GIBSON: I say I think they have a certain amount of discretion from the quotation I have just read.

Colonel WARING (Down, N.): As I understand, the practice is to give not less than 14 days.

Captain COLOMB (Tower Hamlets, Bow, &c.): As a magistrate, I think that a good deal of what has fallen from hon. Gentlemen opposite is correct, and that, to meet the particular circumstances of sickness or of weather, it would be well worth the while for the Government, before the Report stage, to consider whether they could not deal with the matter. My impression is that we magistrates have no discretion, and that we really have only to be satisfied with the proofs as they stand, and then to give a decree to be executed in not less than seven or more than 14 days.

Mr. CHANCE: I would like to point out, for the information of the hon. Member for South Tyrone (Mr. T. W. Russell), this. No doubt, the words are "it shall be lawful," but to do what? "It shall be lawful" for the Court of Justice "to issue the writ." They have a duty to perform, and it is not a question of discretion. It is a question of a duty given to them as a ministerial duty to perform, and one which they must perform when the very first man comes in and asks them to perform it. Now, what is our position? The landlords of Ireland say, many of them perfectly truly—especially the hon. and gallant Member for North Down—"We do not desire that these scenes should go on; we admit that there are some bad landlords, and we complain that good landlords are injured by bad landlords." Now, we desire that at the Petty Sessions the good landlords should be able to prevent these scenes, and, sitting as a jury on the bad landlords, be able to say—"No; we insist that you shall not do this; and that, in the interests of humanity, you shall not injure our cause." That is a very reasonable thing to ask. We desire that the landlords should prevent these atrocities, and yet, Sir, the Government will not take the smallest steps to give, even to the landowning class themselves, the power to stay such proceedings.

Mr. A. J. BALFOUR: I just wish to remind the Committee, in the first place, that if this proposal were agreed to, it would be extremely hard upon the landlords, because it would enable the tenant, after his six months had expired, to stay on for three months more. And that is not a small matter, as it seems to me, because it might lead to this—that every landlord might, in self-defence, apply to the magistrate three months before the expiry of the six months' period of redemption, in order that the magistrates, whatever their discretion might be, should be unable to extend it beyond the six months. And the result of that would be that a large number of caretakers, who otherwise would be kept in possession during the whole of the six months, would be turned out shortly after the expiry of three months, because landlords would apply to the magistrates at the end of that period, and in the majority of cases the writs would be executed in the 14 days.

Mr. CHANCE: The complete answer to the right hon. Gentleman is this—that it is the landlords themselves who would do this. Good landlords and the magistrates are bound together in the one interest, and, although the writ might be given in three months, the good landlord would not execute it. But the main point now is this—the Government, in refusing this Amendment, decline to permit even the landlords of Ireland to stop these atrocities.

Mr. O'DOHERTY: The law, as laid down in the existing Statute, does not say it shall be lawful to stay execution; but it distinctly says—

> "It shall be lawful to issue a warrant requiring and authorizing him within a period to be named therein, and not less than seven or more than fourteen days"

from that date. There is the position. The writ is not to be executed in more than 14 or less than seven days, so that the law already provides for the execution not taking place at once. It is, therefore, in the discretionary power of the landlord; and I do not think any harm whatever can arise from giving this discretionary power to the landlords sitting together as magistrates, and I hope that the Committee will agree to it.

Mr. M'CARTAN: I am certainly disappointed at the position taken up by the Government; but for the present I will withdraw the entire Amendment, and bring up the second part at a more suitable moment. Perhaps the Government will further consider the matter, and on the Report stage allow us to get a new clause dealing with the question we have now been discussing.

Amendment, by leave, *withdrawn.*

MR. PARNELL: I hope we will be allowed now to report Progress. We may have broken the back of the clause, from the point of view of the right hon. Gentleman, perhaps, but not from our own point of view. I move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Parnell.*)

MR. W. H. SMITH: We shall certainly not refuse the Motion to report Progress. I think considerable progress has been made, although I had hoped it would be possible to finish this clause to-night. I trust, however, that the hon. Member for Cork (Mr. Parnell) will recognize the absolute importance of making speedier progress with the remaining clauses of the Bill. It is very desirable that this Bill should pass into law, when I hope we will secure from it a settlement of those differences which unhappily exist between landlord and tenant in Ireland.

Question put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

PARLIAMENT—ORDER IN DEBATE—SUSPENSION OF MR. T. M. HEALY.

OBSERVATIONS.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): Mr. Speaker, Sir, I ask your permission to refer to some observations which fell from the right hon. Gentleman the Member for Derby (Sir William Harcourt), who I am sorry to see is not now in his place, when you were unfortunately called in to deal with a very painful incident which occurred this evening—an incident which I am sure the whole of the House deeply regrets. The right hon. Gentleman the Member for Derby said he had noticed coming continually and habitually from hon. Members below the Gangway on this side of the House, words of studied insult and provocation to the Irish Members. Well Sir, I must protest against the use of language of this character under circumstances which were totally and absolutely irregular. You, Sir, called the right hon. Gentleman to Order, and immediately left the Chair, and I was not therefore able to take notice of these words at the time; but I venture to say, Sir, that a course of conduct like that——

MR. SPEAKER: Order, order! The remarks which the right hon. Gentleman the Member for Derby (Sir William Harcourt) made were irregular. I may perhaps mention at once to the House what took place. The right hon. Gentleman thought it necessary, after what had occurred, to make an appeal, and I could not, of course, refuse to listen to it. But in the course of the appeal, I am bound to say the right hon. Gentleman made an accusation against a certain section of the House, which I can quite understand gave offence. The right hon. Gentleman stated, as I learn now from the protest of the right hon. Gentleman the First Lord of the Treasury, that there was systematic insult—systematic provocation and studied insult—used towards a certain quarter of the House. I am bound to say that, during my tenure of the Chair, I have not noticed, from any quarter of the House any conduct of that nature. Of course, as to what has just passed in Committee I am not qualified to speak; but I have such complete confidence in the exercise of his authority by the hon. Gentleman the Chairman of Committees (Mr. Courtney) that I am sure he would not pass over anything, without noticing it at the time, savouring of systematic insult or studied provocation. I am bound to say that certain remarks of the right hon. Gentleman the Member for Derby were out of Order, and before he sat down he gave utterance to that which I should not have allowed had I known what he intended to say. I believed he was rising on a point of Order, and wished to make an appeal to me.

MR. W. H. SMITH: After those observations, Sir, I do not wish to carry the incident any further. I certainly had no desire to be irregular in any remarks I have made. I am quite satisfied to have obtained from you a declaration on the point of Order.

SIR WILLIAM HARCOURT (Derby) (who had entered during the remarks of the First Lord of the Treasury) here rose——

LORD RANDOLPH CHURCHILL (Paddington, S.): I rise to a point of Order. I wish to know what Question, Sir, is before the House?

MR. SPEAKER: There is no Question before the House; and, in short, the appeal made to me by the right hon. Gentleman the Member for Derby was in itself irregular. Of course, I could not but listen to him on a point of Order. But as, in the course of his remarks, the right hon. Gentleman made use of an expression which has given offence in certain quarters of this House, I have permitted these remarks to be made by the right hon. Gentleman the First Lord of the Treasury as a protest, although they were not pertinent to a matter actually before the House.

SIR WILLIAM HARCOURT: I should like to put myself in Order, and will therefore move the adjournment of the House. If the right hon. Gentleman the First Lord of the Treasury has any charge to make against me, I hope he will make it in my presence. I was absent from the House at the moment he spoke; but if he had given me any notice of his intention, I would have been here. All I can say is, that I do not know what charge he has made; but I am prepared to maintain all that I have said.

MR. SPEAKER: I really do hope that, in the interests of the Order of this House, I may be allowed to say that no charge was made against the right hon. Gentleman; but a protest was made against certain expressions which he used in the course of remarks he made. I could not refuse to listen to the appeal made by the right hon. Gentleman, it being an appeal to me on a point of Order; but before the right hon. Gentleman sat down he stated that there was systematic provocation and studied insult to some quarter of the House. I said that during my tenure of the Chair I had not noticed it in any quarter of the House—and I added that I had such confidence in the administration of his duties by the hon. Gentleman the Chairman of Committees, that I did not believe for a moment he would pass over anything of the kind.

SIR WILLIAM HARCOURT: Will you allow me to make one word of explanation to you? I was not speaking of either when you or the hon. Gentleman the Chairman of Committees was in the Chair, and I was not suggesting that any improper conduct from any quarter of the House had passed without animadversion. I entirely admit that the hon. Gentleman the Chairman of Committees has more than once found it necessary to state—and I say it in his presence, I know he will confirm me—that he has greatly regretted the course that has been taken in regard to interruptions of the Irish Members. On the painful occasion on which he invited you, Sir, to come into the Chair to deal with an incident which we all regret, I did allude to that fact, not finding any fault with the conduct of the Chair, but asking you to appeal to the House that these things, on which the hon. Gentleman the Chairman of Committees has so frequently animadverted, should not occur again.

THE CHAIRMAN OF COMMITTEES (Mr. COURTNEY) (Cornwall, Bodmin): I think I may be allowed one word, though we all wish to see the scene closed. It is quite true that I have more than once lamented and reprobated what I thought was unseemly conduct in a certain quarter of the House—and not that quarter of the House alone—but I never thought of the existence of anything which could be described as systematic provocation and insult. It appeared to me rather to be wanton levity—a want of consideration, regard, and respect for other hon. Members of the House, who, as long as they are Members of the House, deserve to be treated in every respect as every other Member is.

CROFTERS' HOLDINGS (SCOTLAND) BILL [*Lords*].

Order read, for resuming Adjourned Debate on Question [26th July], "That this House doth not insist on the Amendment to which the Lords have disagreed."

Question put, and *agreed to.*

Resolved, That this House doth not insist on the Amendment to which the Lords have disagreed.

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities) proposed an addition to clause empowering the

Crofters Commission to deal with, and, if necessary, reduce claims on bills and promissory notes given in respect of arrears of rent.

MR. J. B. BALFOUR (Clackmannan, &c.): This clause, as proposed, will substantially accomplish the object I had in view, and I do not, therefore, propose to press my objection any further.

Consequential Amendment made to Bill.

DISTRESSED UNIONS (IRELAND) BILL.

(*Mr. Arthur Balfour, Mr. Solicitor General for Ireland, Colonel King-Harman.*)

COMMITTEE [ADJOURNED DEBATE.]

MR. DILLON (Mayo, E.): What course do the Government propose to take in regard to this Bill? I propose that it be considered this day three months.

MR. SPEAKER: It is put down for this day.

MR. DILLON: Then if the Government give the House no further explanation, I will propose that the Order be discharged. Will such a Motion be in Order?

MR. SPEAKER: It will not be in Order.

MR. DILLON: Then I will propose that the Bill be considered this day month.

MR. SPEAKER: That would be to virtually defeat the Bill, and it is not a Motion known to this House.

Adjourned Debate *further adjourned* till *To-morrow.*

ARMY AND NAVY ESTIMATES—SELECT COMMITTEE (REMUNERATION OF ACCOUNTANTS).

Considered in Committee.

(In the Committee.)

1. *Resolved,* That the Committee apointed to examine into the Army and Navy Estimates be authorised and empowered to make, with the concurrence of the Treasury, such arrangements as they may deem necessary for the purposes of their inquiry to secure an independent and professional examination and audit of the expense accounts of the Army Manufacturing Departments and of the books on which those accounts are based.

2. *Resolved,* That the expenses of such audit and examination be defrayed out of moneys to be provided by Parliament.

Resolutions to be reported *To-morrow.*

BANKRUPTCY COURTS (IRELAND) [SALARIES, &C.]

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of the Salaries of any Judges and Officers of Local Bankruptcy Courts, that may be appointed under any Act of the present Session to establish certain Courts of Bankruptcy in Ireland, and of compensation to any Official Assignee of the Court of Bankruptcy, whose emoluments may be reduced by the operation of the said Act.

Resolution to be reported *To-morrow.*

MOTIONS.

MINING ACCIDENTS INSURANCE (SCOTLAND) BILL.

On Motion of Mr. Baird, Bill to provide for a system of National Insurance against Accidents in Mines in Scotland, *ordered* to be brought in by Mr. Baird, Mr. Hozier, Mr. Vernon, Mr. Hugh Elliott, and Mr. Bruce.

Bill *presented,* and read the first time. [Bill 343.]

POST OFFICE SAVINGS BANKS AND GOVERNMENT ANNUITIES BILL.

On Motion of Mr. Raikes, Bill to amend the Acts relating to Post Office Savings Banks, and to the purchase of small Government Annuities, and to assure payments of money after death, *ordered* to be brought in by Mr. Raikes and Mr. Jackson.

Bill *presented,* and read the first time. [Bill 344.]

METROPOLITAN BOARD OF WORKS (MONEY) BILL.

On Motion of Mr. Jackson, Bill further to amend the Acts relating to the raising of money by the Metropolitan Board of Works; and for other purposes, *ordered* to be brought in by Mr. Jackson and Sir Herbert Maxwell.

Bill *presented,* and read the first time. [Bill 345.]

House adjourned at Three o'clock

HOUSE OF LORDS,

Friday, 29th July, 1887.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Criminal Law (Scotland) Procedure (No. 2) (178).

Committee—Merchandise Marks Law Consolidation and Amendment* (170-201).

Report — Legitimacy Declaration Act (1858) Amendment* (159-202).

Third Reading—Bankruptcy Offices (Sites) * (187); First Offenders * (197); Public Libraries Acts Amendment (No. 2) * (185), and *passed.*

Provisional Order Bill—*Committee—Report*—Local Government (Ireland) (Ballyshannon, &c) * (163).

NEW PEER.

Sir William George Armstrong, K.C.B., having been created Baron Armstrong, of Cragside in the county of Northumberland — Was (in the usual manner) introduced.

MALTA—PROPOSED CHANGES IN THE GOVERNMENT.

MOTION FOR PAPERS.

Earl DE LA WARR in rising to call attention to the Papers recently laid upon the Table of the House relative to the proposed changes in the Government of Malta and especially to the Despatch of the Colonial Secretary; also to move—

> "That an humble Address be presented to Her Majesty for the Correspondence between the Governor of Malta and the late Director of Education; and also a Letter, dated 25th April, 1887, addressed to the Colonial Secretary by Dr. Mizzi, late Member of the Council of Government of Malta,"

said, that their Lordships had recently been put in possession of Papers relating affairs of Malta, a subject which he had on more than one occasion brought under the notice of the House. They did not contain all the information that might have been desired, but there was much that was of importance. Great uneasiness, great friction, and, he might add, great discontent had for a considerable time prevailed among all classes of the population of Malta with regard to the existing form of government. He believed he should be borne out in this assertion by noble Lords who had held the Office of Colonial Secretary, and the question which had been for years agitated had now come to a crisis which could not be set at rest by a simple negative. He did not in any way desire to call in question the manner in which many able and distinguished men had discharged the important duties of Governor. From his own knowledge he could bear testimony to the interest which they had taken in the welfare of the population, which had most deservedly gained for them the highest esteem and respect. But it was the form of government which was called in question. It was briefly this—that Malta had been governed as a Crown colony, as though it were a conquered or uncivilized country, and not as being a people who voluntarily placed themselves under British protection, believing that their ancient rights and privileges would be confirmed to them as British subjects. He could not express his views more clearly than in the words of the noble Earl below him (the Earl of Onslow) who represented the Colonial Office. The noble Earl said recently in his place—

> "That, inasmuch as the island of Malta was not acquired by this country in the course of conquest, and inasmuch as the Maltese people of their own free will asked to be placed under the protection of the British Crown, this was a reason why they (the Imperial Government) should feel all the more bound to consider their reasonable and legitimate aspirations."

He entirely agreed with the noble Earl; but he would ask, had those reasonable and legitimate aspirations been considered? It was more than 80 years since the Maltese became British subjects, yet they had been British subjects little more than in name; and now in this year of rejoicing, when the progress, the liberties, and the just rights of the people were being celebrated as the result of Her Majesty's illustrious reign, it was proposed again to place 150,000 British subjects under a military Government, with a shadow of a Constitution, and with a Council of Government of which a man of education and independence might well decline to form a part. In the despatch of the Colonial Secretary to the Governor, dated April 16, 1887, they found, as being a great concession in the direction of self-government, that a Financial Council was to be appointed, to which "will be submitted all votes of public money and all proposals for taxation and for public loans." That had long been one of the chief causes of discontent—that the elected Members of the Council of Government had not practically had control of the public money. It was true it was proposed that the eight elected Members of the Council of Government should be Members of the Financial Council, and its decisions on votes on public expenditure were to be final. But then followed a very important condition:—

> "Unless in any case the rejection of a vote involves in the opinion of the Governor direct injury to Imperial interests or to the safety of

> the inhabitants of Malta or to the public credit of the island"

—a very wide field for the exercise of a discretionary power. And then what followed?

> "If the vote was rejected by the Financial Council the question would be referred to the Council of Government, whose decision was to be final."

Thus the proposal, as stated in the despatch,

> "For the purpose of giving the representatives of the people a fuller and more definite control over the public expenditure and in financial matters generally,"

commenced with a Financial Council, leaving it in the power of the Governor to refer financial questions, when, in his opinion, it was desirable to do so, to the Council of Government, where the Governor, by means of a casting vote, had an absolute veto. This was certainly a very modified form of self-government in financial matters. Then they found under Clause 16 of the despatch—

> "That the right of the unanimous opinion of the elected Members to prevail in the decision of questions of local interest in the Council of Government will be established by law."

But here they were again met by a proviso in Clause 13 nullifying almost the supposed boon—namely, that this was—

> "Not to apply to the case of a money vote referred to the Council by the Governor after being rejected by the Financial Council."

This was the outline of a Constitution under which, as they were told—

> "It cannot be denied that the people of Malta will enjoy a very substantial measure of self-government."

He regretted that he could not see it in that light. It appeared to him that the substance was entirely wanting, and he should be only too happy if the noble Earl below him would point out where the substance lay. Neither could he agree with what followed:—

> "That the changes thus proposed, though they may not satisfy those who advocate an extreme measure of reform, will fully meet the wishes of all moderate men who have at heart the real interests of the island."

He very much demurred to that statement. It might, perhaps appear presumptuous in him, not being in possession of official information, to undertake to put before their Lordships what the state of feeling with regard to this question in Malta was, but he had no hesitation in saying, upon reliable authority, that the despatch of the Colonial Secretary had been received by all classes with the utmost disappointment, and that it would not be regarded as in any way satisfying the reasonable demand which was made for some real and substantial measure of self-government. He was quite aware that the Colonial Office had not a very high opinion of what was described in the despatch from Downing Street as the "political capacity" of the people of Malta; but he was much mistaken if they did not well understand what self-government meant, and that what was now offered was not a reality; but very much of the nature of a delusion. And now he desired to express in the strongest manner, on his own part, and he believed he should not be wrong if he said the same on behalf of the people of Malta, that whatever changes might be made in the representation of the people in the Council of Government, and in the management of local affairs, there was not the slightest wish to interfere with the authority of the Governor in any matters relating to Malta as a fortress and naval station, but rather to place that entirely beyond the control of the Legislative Council for Civil Affairs. The Maltese were a loyal people; they valued their connection with the British Crown, and they relied upon the sympathy of the British Parliament in urging their demand that their just rights and liberties as British subjects should be granted to them. In conclusion, the noble Earl moved for Papers and additional Correspondence since the last Papers were laid upon the Table of the House.

Moved, "That an humble Address be presented to Her Majesty for Correspondence between the Governor of Malta and the late Director of Education; and also a Letter, dated 25th April 1887, addressed to the Colonial Secretary by Dr. Mizzi, late Member of the Council of Government of Malta."—(*The Earl de la Warr.*)

Lord BRABOURNE said, he had received a number of communications from Malta; but he doubted whether any benefit would accrue to the people of Malta by a discussion of the subject at the present time. For his own part, he should decline to criticize the despatches to which his noble Friend had alluded until the proposals of the Government had been finally settled. There were two considerations which always must prevail with Parliament in dealing with questions relating to Malta. In the first place, there would always be a natural disposition to give effect, as far as possible, to the legitimate aspirations of the people for self-government. On the other hand, nothing must be done which in any way imperilled the position of Malta as an Imperial fortress, or the position of the Governor in charge of that fortress. The demands of the Maltese for self-government had been put forward in a moderate spirit, which gave him great hope for the future. Count Strickland had, from the first, taken a very wise, sensible, and moderate view in this matter, and he hoped that gentleman's counsels might have the result of reducing the demand of the Maltese to such a form that the Government might see their way to grant it. He, Count Strickland, had not only Maltese, but British sympathies, and whilst anxious to meet the wishes of his Maltese countrymen, would by no means be a party to anything to weaken the efficiency of British Rule. With regard to the Correspondence which had been moved for, he could not say anything about it until he knew what the view of the Government was. There had been a pamphlet published by the late Director of Education, M. Savona, and an answer to that pamphlet by the Governor, Sir L. Simmonds. He (Lord Brabourne) felt assured that the Government would deal with the question in a wise and generous spirit, and he would only say that if there were to be debates on the subject in that House it was desirable that their Lordships should have all the information and documents relating to the subject. If any further Correspondence were given by the Government, he hoped it would be of a complete character, so as to enable their Lordships to judge of the whole matter fully and justly. If representations were made by the Maltese in a moderate and wise spirit, he hoped the Government would give to them a favourable consideration.

THE UNDER SECRETARY OF STATE FOR THE COLONIES (The Earl of ONSLOW) said, he did not propose to follow the noble Earl (The Earl De La Warr) into the earlier part of his speech, in which the noble Earl had dealt with the history of Malta, further than to say that he adhered entirely and unconditionally to everything he said upon a former occasion as to the desire of Her Majesty's Government to grant to Malta such extension of representative government as could be done consistently with the safety of the fortress. The noble Earl said that the despatch to which he had alluded pointed to the consideration of the reasonable aspirations of the Maltese people, and then the noble Earl went on to ask whether those considerations had been taken into account. He thought an earnest desire had been shown in that despatch to meet the wishes of the people of Malta. He quite admitted what the noble Earl had said that the precise form of Constitution proposed by the Government had not been received with great favour in the island of Malta, and he did not wish to pledge the Government to the particular form in which the Constitution had been framed. They were desirous of affording every legitimate opportunity to the representatives of the Maltese people in the Council of Government for the conduct of their own affairs. There was one condition which Her Majesty's Government must insist upon, and that was that they must retain the power of final decision in the hands of the representative of the Queen on certain important matters. Nothing which was likely to cause injury to the Imperial interest, and nothing that was likely to injure the public credit of the island, could be left to the uncontrolled decision of the representatives of the people of Malta; but short of that, Her Majesty's Government were desirous of going as far as they could, to meet the wishes of the Maltese. There had been a large number of schemes put forward by different gentlemen, and all those schemes had been considered by Her Majesty's Government without reference to the character or antecedents of the gentlemen who put them forward. If any scheme had been connected with the names of statesmen and politicians in Malta, that scheme was considered with reference to its own merits, and its own merits alone. Her Majesty's Government thought there was in one of the schemes which had been submitted something which might be shaped to suit both the purposes of Her Majesty's Government and the desires of the people of Malta, and for that reason they proposed that there should be a separate assembly created in the Island of Malta which should have control of the finances of the colony.

That proposal, he was sorry to say, did not meet with the approval of the noble Earl and his friends. All he could say was that Her Majesty's Government put this forward some time before the elections in order to elicit the opinion of the noble Earl and his friends; but Her Majesty's Government were not wedded to this particular scheme for a financial Council. They were ready to consider any scheme which would attain the objects of the people of Malta. The elections in Malta ought to have taken place within three weeks of the dissolution of the Council, but the Government thought it advisable to issue letters patent in order to postpone them until this scheme or any further scheme should have been considered by the electors of the island. He was sure it would be a matter of satisfaction to their Lordships when he said that those in Malta who had given the greatest attention to this subject had given their approval to the course which he had indicated, and he thought there now appeared to be a disposition on the part of all those gentlemen to meet the views of Her Majesty's Government and to agree on some form of constitution which would be acceptable to all parties. At the present moment the Government were waiting for a despatch from the Governor, in which he promised to forward a scheme which had been submitted to him by friends of the noble Earl, and as soon as they received that scheme with the remarks of the Governor upon it, he hoped to be in a position to satisfy the noble Earl on this point. Meanwhile there was no objection to laying on the Table of the House the Correspondence which had taken place on the subject. He understood from the remarks of the noble Earl that he only wished for that portion of the Correspondence which dealt with the question of the new Constitution. If that was so, there could be no objection to laying it on the Table; but he would ask the noble Earl to withdraw his Motion now, in order that the Papers to be presented should be laid on the Table of both Houses of Parliament by Her Majesty's command, instead of in compliance with an Address of their Lordships' House alone. He hoped that before next Session the Government would be able to satisfy the noble Earl and his friends by doing that which he assured the noble Earl they were most anxious to do—namely, to offer such a representative Government to the people of Malta as might be consistent with the safety of the island.

Motion (by leave of the House) *withdrawn.*

WAR OFFICE—CAVALRY REMOUNTS.

QUESTION. OBSERVATIONS.

LORD RIBBLESDALE, in asking the Under Secretary of State for War whether the necessary instructions permitting the purchase of three-year-old remounts exhibited at the forthcoming Dublin Horse Show would be issued, said that the present regulations did not permit of the purchase of these horses until October 1, while the show was held on August 23. The object of the Royal Dublin Society in instituting this class of three-year-olds was to encourage farmers to breed Cavalry horses, and to bring the Government and the breeders of horses into communication. The course taken by the Royal Dublin Society would probably be followed in England. Under the circumstances, he thought the Government might make these regulations sufficiently elastic to permit the purchase of three-year-old remounts at the show five weeks earlier than the date now fixed.

THE UNDER SECRETARY OF STATE FOR WAR (Lord HARRIS) said, that on July 19 last, by direction of His Royal Highness the Field - Marshal Commanding-in-Chief, a circular letter was addressed to the commanding officers of Cavalry Regiments at home, as also to each inspecting general of Cavalry and to Colonel Ravenhill, R.A., the purchaser of horses for the Artillery and Engineers, calling attention to the horse show under the auspices of the Royal Dublin Society, and to the probably favourable opportunity of purchasing remounts if arrangements already made up to October 1 for the supply of horses to regiments would admit. It was not in contemplation to issue any further instructions upon this subject. With regard to the purchase of three-year-olds before the 1st of October, such a proceeding was contrary to the regulations laid down to guide officers in the purchase of remounts, and it would not be fair to give this privilege to the Royal Dublin Society's show without extending it to such dealers as had made arrangements for supplying remounts after that date.

Lord FITZGERALD said, that the exhibition in Dublin was a very large affair indeed, and that it was desirable that encouragement should be given to the production of Cavalry remounts. The farmers in the southern counties in Ireland had entered into the business of breeding a hardy type of horses which were peculiarly fitted for military purposes, and which they supplied to the Army at a very moderate profit. It would be a very great advantage if, at the show at Dublin, the military purchasers could be brought into direct communication with the producers, because thereby the exhibition and production of these horses would be very much encouraged.

Lord RIBBLESDALE explained that his only object was to benefit the public service, and it was mere red tapeism not to anticipate the date when the remounts might be purchased by a few weeks.

Lord HARRIS stated that a very large proportion of the horses required for the service had been bought in Ireland for a long time under arrangements with a certain number of dealers in Ireland, by which the horses purchased were not taken over by the Government until the 1st of October. If the proposal of the noble Lord were adopted, the result would be that horses purchased by the Government would have to be kept for six weeks longer at the expense of the country. He believed, as he had said, that the requirements of the Service for the coming season had already been met by these purchases; and if the concession was granted, there was not much hope of there being any purchases.

THE MAURITIUS — REPORT OF THE ROYAL COMMISSION.

MOTION FOR PAPERS.

The Earl of DUNRAVEN, in rising to call attention to the Despatch upon the Report of the Royal Commission of Inquiry into the affairs of the Colony of Mauritius, and to move for Papers, said: The Despatch to which I desire to call the attention of the House has been before your Lordships for a fortnight; and I wish to say that that Despatch is in itself, in many respects, a remarkable document. However this may be, there is no question whatever that it relates to a most exceptional, painful, and, I think I may say, almost unprecedented state of things. Under these circumstances, and considering that there are many among your Lordships who have occupied the position of Secretary of State for the Colonies, I fully thought that some one among your Lordships more capable of dealing with the question than I, would have taken it up; but as such is not the case, and it is getting late in the Session, I think it is a duty to call attention myself to the matter of this Despatch. The Despatch purports to give reasons why Sir John Pope Hennessy was reinstated in the Government of the Colony of Mauritius. The Secretary of State says in his Despatch—

> "I am now in a position to state the conclusion at which I have arrived in this painful and difficult case, and the grounds upon which I have decided, though not without considerable hesitation, that sufficient cause has not been shown to justify the removal of Sir John Pope Hennessy from the office of Governor of Mauritius."

I may say at once that I do not wish to call in question the wisdom or unwisdom of the decision at which the Secretary of State has arrived. You have not sufficient documents before you to arrive at a decision upon that point. What I wish to point out is the entire inadequacy of this Despatch, and I wish to show your Lordships that the Despatch gave no reasons whatever why Sir John Pope Hennessy should be reinstated as Governor; but, on the other hand, it gave a great many reasons why Sir John Pope Hennessy should have been removed from his Governorship. I will point out to your Lordships a significant sentence in which the Secretary of State says that he has arrived at his decision with considerable hesitation. If this were a question of the character of an individual it would be perfectly right that the individual should receive the benefit of the doubt. But this is a question affecting the welfare of one of Her Majesty's Colonies, and I consider that if the Secretary of State only arrived at his decision "after considerable hesitation," that fact is in itself almost sufficient ground for assuming that that decision is not a wise one. I wish your Lordships to consider the exceptional character of this case. Some time ago the Secretary of State for the Colonies—

not the present Secretary of State—no doubt acting upon sufficient *primâ facia* evidence, considered it to be his duty to advise Her Majesty to issue a Commission empowering Sir Hercules Robinson, the Governor of the Cape, to proceed to the Mauritius to inquire into the state of affairs in that Colony, and I would also point out that by this Commission the Governor of the Cape was empowered to suspend the Governor of the Mauritius if he thought it necessary. It is impossible to find a man better qualified by his experience and position for such a difficult and complicated task than Sir Hercules Robinson. He has been engaged before in delicate work. He has been employed at the Fiji Islands, and he has also held the position of Governor of New Zealand and New South Wales, and had discharged most delicate duties as Governor of the Cape and South Africa. Wherever, therefore, it requires the exercise of the greatest judgment to enable a man to fulfil his duties with satisfaction, I wish to say that no man could be found more capable to carry out those duties. Sir Hercules Robinson proceeded with his mission to the Mauritius and found the state of affairs there so bad that it was necessary to suspend the Governor, and he did so. That is all that I or the public know about the matter. Under these circumstances considering the exceptional character of the conditions that Sir Hercules Robinson found to exist in the Mauritius, the state of things must have been exceedingly grave for him to take upon himself the very grave step of suspending the Governor of that Colony, and I maintain that if the decision to reinstate the Governor has been arrived at after considerable hesitation, that is almost sufficient to prove that it would have been better had a different decision been arrived at. What I complain of in this Despatch, is the exceedingly contradictory character of it. It says one thing in one paragraph and denies it in the next paragraph, or in another portion of the same paragraph. I will call your Lordships' attention to the fourth and fifth paragraphs. In the fourth the Secretary of State says—

> "It is now apparent that the Royal Commissioner would have done well to insist upon the regular attendance of Sir John Pope Hennessy during the examination of the witnesses, and upon his cross-examining them then and there. Much of the difficulty in deciding this case would thus have been removed; and it appears to me that such a course would have been more fair and just to all parties concerned."

I think that is a sufficient reason for the decision of the Secretary of State has arrived at, that Sir John Pope Hennessy ought to have been examined on the spot; but in the very next paragraph the Secretary of State said—

> "But I am bound to say that, looking to the length of time that was given to the inquiry, to the nature of much of the evidence that was brought forward, largely consisting as it did of hearsay evidence and belief; and, lastly, to the defence which has been stated by Sir John Pope Hennessy in this country, I am satisfied that no material evidence has beeen excluded."

We have got to do justice and what is right to a very important Colony, and I maintain that if the Secretary of State says that no material evidence was excluded it does not matter whether Sir John Pope Hennessy was examined on the spot or not. But in connection with this I should like to ask the Under Secretary of State for the Colonies whether the Royal Commisssioner, Sir Hercules Robinson, should have insisted upon the attendance of Sir John Pope Hennessy during the examination. I do not know whether Sir John Pope Hennessy was there, or never was examined. I do not know whether his evidence was insisted upon; but I should like to have the matter cleared up. In the 5th paragraph a strong point is made of the fact that Sir John Pope Hennessy was not examined on the spot. Clearly, some three months ago, there must have been some mistake made. In the 1st paragraph the Secretary of State declares that no material evidence was excluded. If you look through the Despatch, I think you will see the same contradictory character prevails throughout. I will ask your Lordships to look at the 11th paragraph. The Secretary of State there declares—

> "Thirdly, as to Mr. Cockburn Stewart's case, I concur generally in the conclusions arrived at by Sir Hercules Robinson in his Report, although I feel bound to say that the papers before me do not establish the conclusion which he formed on the spot—viz., that there are grounds for the opinion of the majority of the English officials in the Colony that, as stated by Mr. Clifford Lloyd, the Governor 'showed much malignity in his persecution of this unfortunate officer.'"

I cannot understand how it is possible to concur generally in the decision arrived at with respect to Mr. Clifford

Lloyd, and, at the same time, to state—"That the papers before me do not sufficiently establish the conclusions which were formed on the spot." The two circumstances appear to me to be absolutely contradictory one of the other. Your Lordships will see the same thing in paragraphs 16 and 17. In paragraph 16 it is stated—

> "Some of these instances Sir John Pope Hennessy has explained away in his defence, and some are, I think, to be attributed more to his desire to promote men who generally supported him in the unhappy differences which undoubtedly existed in the Colony than to the special policy under consideration. Upon the whole, I am of opinion that by his want of judgment Sir John Pope Hennessy injured the cause which he had at heart, and created a not unnatural discontent and hostility, but that there is not such evidence before me of personal injustice in the distribution of patronage as would justify me in concluding that he cannot retain the office of Governor."

I must ask your Lordships how it is possible that a gentleman receiving support in unhappy differences should at the same time as Governor not be guilty of perpetrating injustice in the distribution of patronage. Turning to the next paragraph, you will see it stated in paragraph 17—

> "Nor, upon the whole, do I think that the charge of 'persecuting' the British officials as a class in the offices which they hold, has been established; but as regards the general charge of undue interference brought against him, I cannot shut my eyes to the cases of Bishop Scarisbrick and of the stipendiary magistrates, where his interference was vexatious and unjustifiable and called down upon him the well-deserved censure of two Secretaries of State."

It seems to me that here also a contradiction is contained in two portions of the same paragraph. It seems to me hopeless to attempt to arrive at a definite conclusion on what is stated in this paragraph. I would like to see what result is arrived at. I find this stated in the 22nd paragraph, where it is declared—

> "I do not find any overt act of misconduct, such as would render it necessary to remove the Governor from office."

There the Secretary of State says the Governor has not been guilty of any overt act of misconduct which would render it impossible for him to continue in office. When I look through the Despatch I cannot find a single word in justification of them. I find a great deal which renders it impossible to understand how it is, from the facts mentioned in this Despatch, the Secretary of State arrived at the conclusion which I have just read out. The only thing in favour of Sir John Pope Hennessy is that in the 23rd paragraph, in which the Secretary of State says that the charges against him in respect of the condition of the finances of the Colony and the alleged increase of crime owing to his interference have broken down. I would call your attention to some of the facts which are mentioned in the Despatch. I would ask you to look at the 8th paragraph, where the Secretary of State distinctly says, "I cannot acquit Sir John Pope Hennessy of a want of temper and jugdment." Now, if there is one thing more necessary than another for a man who has to exercise the functions of Royalty as Governor of a Colony, it is to hold the balance conscientiously and evenly in the midst of great difficulties—if there is a quality more necessary than another in such a place it is the possession of temper and of judgment, whereas the Secretary of State distinctly says that these great qualities were not possessed by Sir John Pope Hennessy. Your Lordships will find in the 15th paragraph, speaking of the new policy which had been inaugurated in the Mauritius, the Secretary of State said—

> "There was no sufficient ground for proclaiming a new departure in a manner calculated to arouse, as it undoubtedly did arouse, grave and general apprehensions among the civil officers not connected with the island by family ties that they would no longer receive fair and impartial treatment."

That appears to be rather a serious charge to bring against a Governor that his policy was calculated to arouse grave and general apprehension among civil officers that they would no longer receive fair and impartial treatment. The next paragraph I have already read to your Lordships — the 16th paragraph — in which it states that Sir John Pope Hennessy had promoted men into office because they supported him in his policy and had supported him in the unhappy differences which existed in the Colony. The 17th paragraph I have also read to your Lordships in which it is stated that the interference of the Stipendiary Magistrate was vexatious and unjustifiable. I will only allude to one other paragraph and that is No. 21, and I will ask your Lordships to pay attention to this paragraph, because there the Secretary of State, summing up the whole matter, says—

> "The conclusion in respect of these charges at which I have arrived, after studying the evidence of which the general character is well described by Sir Hercules Robinson in the 95th and 97th paragraphs of his Report, is that the Governor, in carrying out his policy, which was highly approved of by part of the inhabitants, but viewed with suspicion by another part, including the English and official element, identified himself too much with the party that supported his view, and became a partizan rather than an impartial Governor holding the balance evenly between all parties."

It is impossible to make a graver charge than that against the Governor of a Colony, that he became a partizan and did not hold the balance evenly between all parties. The Governor, in taking the official oath, said—

> "I . . . do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of . . . and I will do right to all manner of people after the laws and usages of this colony without fear or favour, affection, or ill-will."

I maintain, therefore, that if the Secretary of State is correct in bringing these charges against the Governor of being a partizan and not holding the balance evenly between all parties, that the Governor is unfit to retain office. But these are the reasons given for not depriving the Governor of his position and for re-instating him in his office, and I must say that more extraordinary reasons than these I cannot conceive. The Secretary of State said that these things had created a great want of confidence in the government of the Mauritius and materially affected the peace and good government of the Colony. The Governor who should be impartial had become a partizan and his conduct in other respects materially affected the peace and good government of the Colony, and these were the reasons which are stated to justify his going back and being reinstated as Governor of the Mauritius. I can only say that they appear to me to be most extraordinary reasons—even so extraordinary that I am almost forced to believe that this Despatch must have been practically laid upon the Table of the House by mistake. It appears to me as if it was in the nature of a Memorandum giving all the reasons that could be found why Sir John Pope Hennessy should not be sent back to the Mauritius, and that the reason why he was sent back to the Mauritius was that some mistake was made, and the wrong opinion has been prepared and given to Parliament. I have nothing to say against the decision. It may be perfectly right. All I can say is that if we have nothing but this Despatch to go on I do not agree in the wisdom or the justice of the decision which the Secretary of State has arrived at. I am bound to say that it is a sort of verdict of "Not Guilty; but do not do it again," because the Despatch gives a sort of advice to Sir John Pope Hennessy that he should go back again, but he must not do these things again or they would not be looked over. The Colonial Office admitted that they had not sufficient *primâ facie* evidence before them. They had no evidence to show that Sir Hercules Robinson had been mistaken, or to show that they were just in reinstating Sir John Pope Hennessy without giving any reason at all. But what I object to is the reinstating of him in such a grave state of things for the reasons which are mentioned in the Despatch to which I have ventured to call your Lordships' attention. It must be patent to your Lordships that there is nothing but this Despatch before the country. The reasons which it gives—the dangerous and erroneous reasons—are sure to raise in men's minds very erroneous impressions. Without any prejudice to Sir John Pope Hennessy, I may fairly say that the political views of the Colonial Governor and his antecedents altogether tend themselves to such erroneous impressions. I can imagine nothing more disastrous than that the public should suppose that in a case of this kind affecting the welfare of a colony, that any consideration of Party politics or political convenience at home could possibly influence the Government. If there is no evidence before us but what is contained in this Despatch, they reinstated Sir John Pope Hennessy for political convenience and Party considerations. Under these circumstances, I sincerely hope that Her Majesty's Government will give us some more information on this subject. The Papers which I wish for are the Report of Sir Hercules Robinson, the evidence and the statement that Sir John Pope Hennessy has made over here, and I trust sincerely that those Papers will be laid on the Table of the House, and I hope they are Papers that may throw light upon the subject, and enable us to understand the real reason which induced the Government to restore the Governorship in so extraordinary a manner.

Moved, "That an humble Address be presented to Her Majesty for Papers relating to the Royal Commission of Inquiry into the affairs of the Colony of Mauritius."—(*The Earl of Dunraven.*)

Earl GRANVILLE said, he feared that he might lay himself open to the accusation of vanity; but he could not refrain from saying that he believed the only part of this transaction which was not open to some criticism was that part in which he had been concerned. He thought that the selection of Mr. Clifford Lloyd for an important post in the Mauritius was unfortunate. Mr. Lloyd was undoubtedly a most able and energetic man, whose claims upon the Government for an appointment were very strong. But in the conscientious discharge of his duties in Ireland Mr. Lloyd came into accentuated conflict with the Roman Catholics in that country, and afterwards, in Egypt, he came into conflict with the French. The appointment of Mr. Lloyd to a high office in the Mauritius, where the majority of the White inhabitants were Roman Catholics, was therefore, as he had said, unfortunate. When in Office he had received a Memorial upon this subject, suggesting that there should be an inquiry; and he had replied that he must hear the answer of Sir Hercules Robinson before deciding whether an inquiry ought to take place or not. The same view, however, was not taken by his Successor, and an inquiry was ordered. There was no man in whom he would repose more confidence than in Sir Hercules Robinson, an able and experienced man, and one of the best of our Governors. But he was not sure that it was judicious to select one Governor to conduct an inquiry into the practices of an official of equal rank, especially as Sir Hercules Robinson was overwhelmed with work. When the Report of Sir Hercules Robinson reached this country there were four courses open to the Government. The first was to endorse the decision of Sir Hercules Robinson; and the second to reject it. A third course was to decide that Sir John Pope Hennessy had done nothing to justify his suspension; but that there was suchirritation and excitement among the different parties that it was undesirable that the Governor should return, and that another equal or higher post should be found for him. The fourth and worse course was that which had been followed—namely, to send this Governor back, and, at the same time, to publish a Despatch which was certainly most damaging in character. It was not a transaction carried out with the usual judgment of the Secretary of State.

Lord STANLEY of ALDERLEY rose in opposition to the speech and the Motion of the noble Earl (the Earl of Dunraven), on the ground that it was against the welfare of the Colony. Some time ago, before this matter had been decided, he had read a despatch of Sir John Pope Hennessey's, printed in a Calcutta newspaper, which threw some light upon the subject. After reading it, he had gone to one of the Under Secretaries at the Colonial Office, and had mentioned some facts which he had been aware of many years ago, and which it would not be for the public interest for him to mention; and on those grounds he had entreated his friend in the Colonial Office to support Sir John Pope Hennessey. He had no personal interest in Sir John Pope Hennessey, and had never seen him. He thought that a good deal of the noble Earl's speech was literary criticism, and that he had been hypercritical. The noble Earl had said that Sir Hercules Robinson was an official of great importance, and the Secretary of State, or whoever drafted the despatch, had to consult the feelings of Sir Hercules Robinson as well as those of Sir John Pope Hennessey.

Lord BRABOURNE said, that their Lordships were not in a position to form an opinion upon the merits of the case, because they had not the necessary Papers before them. He had known Sir John Pope Hennessy for many years, and believed him to be a man of great ability and energy. He knew that there had been complaints in other Colonies against Sir John Pope Hennessy; but they had been complaints based upon his alleged great partiality for the Native populations. Those complaints, at any rate, pointed to a fault on the right side, if any fault there were. As to the particular case now before the House, he held that there were two parties who had a right to complain. The one was Sir John Pope Hennessy himself, and the other the Colony of Mauritius. He could conceive no greater misfortune for a Colony than that the reinstatement of a Governor against whom grave charges had been brought should be accompanied by the publication of a document which would increase the dissatisfaction which was already felt, and could not fail to grievously increase the difficulties of his government. It was preposterous to state, as was stated in one paragraph of this Despatch, that Sir John Pope Hennessy had done things "a repetition of which would necessitate his removal from the Governorship," to brand him with having "acted as a partizan," and with other faults, and to parade all this before the public in Great Britain and in Mauritius in the very Despatch which reinstated him in his position as Governor. If the Secretary of State had come to the conclusion that Sir John Pope Hennessy ought to be reinstated, the proper course would have been to address any remarks which he had to make by way of caution to Sir John Pope Hennessy privately. He felt nothing but grief and diappointment that such a despatch should have come from the Secretary of State. The fact was that the Colonial Secretary, being a man of amiable character, tried to please everybody, and, as usual in such cases, had satisfied nobody. He tried to propitiate the accusers of the Governor and to satisfy Sir Hercules Robinson, and in this attempt he had published a Despatch which he (Lord Brabourne) would in one sentence describe as one which injured Sir John Pope Hennessy, which greatly injured the Colony of Mauritius, and which set a lamentable precedent of the treatment which a Colonial Governor might receive at the hands of the Secretary of the Colonies.

THE UNDER SECRETARY OF STATE FOR THE COLONIES (The Earl of ONSLOW), said, that he was not surprised, considering the interest shown by the public, that the question had been raised. The case was a very peculiar one, for which there was no precedent. The Secretary of State was called upon to pronounce an opinion in a *quasi*-judicial capacity on a case which had been in part only heard in Mauritius, where the Commissioner had not heard the case of the Lieutenant Governor, the principal official who had brought charges against the Governor, nor the defence of the Governor himself. He felt some difficulty in explaining to the House the exact reasons which led the Secretary of State to come to this conclusion, because he had not had the advantage which had been enjoyed by the Secretary of State of hearing Sir John Pope Hennessy in his own defence for seven days. There had been occasions on which Colonial Governors had been recalled on the sole responsibility of the Secretary of State. But this was the first time that an inquiry had been held partly by Commission and partly by the Secretary of State. The point was then this. Certain distinct, specific and grave charges were formally made against Sir John Pope Hennessy by five elected Members of the Council of Government, the most serious of which were what were described as overt acts—namely, (1) maladministration of the finances of the Colony; (2) that his philanthropic ideas had relaxed prison discipline and caused a large increase of crime. These charges were not proved against him by the Commission, nor established to the satisfaction of the Secretary of State. If the Commission had reported, or the Secretary of State had considered that these charges were substantiated, it would have been his duty to advise Her Majesty to remove Sir John Pope Hennessy. The Royal Commission was appointed, and Sir Hercules Robinson, who had had an experience of more than 30 years as a Colonial Governor, consented to add to his already onerous duties of High Commissioner in South Africa, Governor of the Cape of Good Hope and of British Bechuanaland, the duties of Her Majesty's Commissioner to inquire into the affairs of Mauritius. He desired to express the satisfaction of Her Majesty's Government and their gratitude to Sir Hercules Robinson for his consent to undertake this important service, as the question at issue involved personal considerations of a grave and complicated character, with which he was peculiarly well qualified to deal; while his great administrative experience and tried ability could not fail to secure the fullest confidence in the important task which thus devolved upon him. He would also acknowledge the obligation under which the Government lay to Mr. Round, who accepted a temporary appointment of secretary to the Commission at considerable personal inconvenience. The task was a painful and disagreeable one, and was performed with the greatest impartiality; and in the conclusions arrived at, with the exception of one or two very minor points, the Secretary of State substantially agreed. The noble Earl had contended that, while concurring in the Report, the Secretary of State did not carry out its recommendations. In the second paragraph of his Despatch the Secretary of State expressed his entire agreement in the exercise, by Sir Hercules Robinson, of the authority vested in him as the course best calculated to secure peace and order in the Colony. The Secretary of State then telegraphed to Sir John Pope Hennessy to come to England at once, to give explanations with reference to Sir Hercules Robinson's Report. The object of that was partly that the Secretary of State considered it undesirable that a suspended Governor should remain in the Colony, and partly to hear his verbal defence, which lasted seven days. It might be said that in an inquiry of this kind, partaking as it did of an almost judicial character, the Secretary of State was not justified in acting without legal advice. The Secretary of State influenced by this consideration, had called to his assistance the Solicitor General for Scotland, who arrived at the same conclusion as the Secretary of State, without consultation—namely, that on the evidence the charges were not proved. His noble Friend had objected to the expression that this decision had not been arrived at without "considerable hesitation." It was an important decision, and, considering how voluminous the evidence was and now conflicting it was one which no one ought to have arrived at without "considerable hesitation." The evidence was by no means of the overwhelming character which the noble Lord attributed to it. Of the 80 witnesses, 36 were in favour of the Governor and 36 were against him, while eight were neutral. The noble Earl then attacked the Despatch, which he tore into pieces, and quoted a number of paragraphs which he said would have justified the removal of Sir John Pope Hennessy; but he did not read other passages which justified the decision actually arrived at. The view of the Secretary of State fully agreed with that of the noble Lord (Lord Brabourne). Upon the two serious charges the Secretary of State completely acquitted Sir John Pope Hennessy. The charges of maladministration, and the alleged increase of crime, in consequence of the remission of sentences, had entirely broken down. There were no fewer than 662 remissions; but of these cases 601 had been previously recommended for remission. Then the Secretary of State, in Paragraph 17, maintained that the charge of persecuting British officers was not established. Now, having disposed of the serious allegations, what did the others amount to? They amounted to—first, want of temper and judgment; secondly, a neglect to call upon Mr. Ferguson for an explanation before writing to the Secretary of State to censure him; thirdly, ostentatious proclamation of a policy which he had a perfect right to pursue; fourthly, unjustifiable interference with the functions of the Bishop and the stipendiary—this was most serious, and, if repeated, would involve the Governor's recall; and, fifthly, that the Governor identified himself too closely with the party which supported his view. Were these causes sufficient to justify the rare course of advising Her Majesty to recall Sir John Pope Hennessy? In his opinion they were not. The noble Earl said that Sir John Pope Hennessy had been guilty of previous misconduct. That might be true; but decisions of former Secretaries of State should have no more weight than previous convictions against criminals on trial, and the present Secretary of State was not called upon to inquire into anything which occurred previous to Sir John Pope Hennessy's appointment to the Governorship of Mauritius. Then it had been said that there were some political considerations at home which had influenced the Secretary of State. He desired emphatically to deny the correctness of that statement, and to assert that the Secretary of State was not swayed in any way by such political considerations. The mere fact that several Secretaries of State had promoted Sir John Pope Hennessy showed that they did not think him incapable of governing. The noble Earl in his Motion asked that the Government should lay on the Table some further Papers in connection with this matter. There were, however, grave reasons why this should not be done. In the first place, there was no imputation whatever cast upon the conduct or the decision of Sir Hercules Robinson. The Secretary of State had completely and entirely exonerated him, and he was glad to hear the remarks which had fallen from every noble Lord who had spoken in this debate as to Sir Hercules Robinson's impartiality and integrity. Were this otherwise it would be only fair to Sir Hercules, to lay the Papers on the Table. The Papers on this subject were extremely voluminous. If the Government gave the Report of Sir Hercules Robinson it would be necessary also to lay before Parliament all the evidence which was taken before the Commissioner arrived at his conclusions. There was much of that evidence which was very irrelevant; and it would then be necessary that the further explanations to be given upon that evidence should also be laid before Parliament. Again, it would be necessary to lay before Parliament the whole of Mr. Clifford Lloyd's defence, with the charges brought by him against the Governor and the Governor's counter-charges against him. Moreover, it would be necessary to lay upon the Table all the minutes of the long seven days which the Secretary of State gave to the *vivâ voce* hearing of the defence of Sir John Pope Hennessy. The Government hoped in sending Sir John Pope Hennessy back to the Mauritius to restore in some measure peace and good government to the colony, but that would be impossible if this flood of charge and counter-charge, recrimination and retort, was to be let loose in the colony to greet the Governor on his return. Therefore he thought their Lordships would agree with him that it was not advisable to lay all the Papers on the Table. It was impossible to exercise the usual discretion of a Secretary of State to remove a Governor after charges had been made and an inquiry ordered to prove or disprove them. The charges, in the opinion of the Secretary of State, were disproved, and two alternatives alone remained—either to remove Sir John Pope Hennessy to another colony or to let him return to the Mauritius. Governorships such as that of the Mauritius did not fall vacant every day, and Sir John Pope Hennessy might have had to wait a long time. The Government believed that the course which had been adopted was the best. Sir John Pope Hennessy had received a warning which no man could disregard. He had been warned of the absolute necessity of maintaining a strict impartiality; of giving a careful consideration to the claims and interests of all persons, whether opposed to his policy or advocating it; of working cordially with those who held office under him, and of subordinating his own personal views, religious or political, to the general good of the Colony. He trusted that Sir John Pope Hennessy would bear carefully in mind these recommendations; but he could not conceal from their Lordships that should he fail to justify the decision of the Secretray of State, and to sustain his own contention that he could and would govern impartially and without bias towards race and creed, a grave question would arise as to whether it would not be expedient, in the interests of the Colony, without the necessity for further inquiry, to substitute some other Governor for Sir John Pope Hennessy. He trusted that no such necessity would ever arise, and that the undoubted energy, ability, and the varied experience of Sir John Pope Hennessy might yet continue to render good and useful service to Her Majesty and to Her Colonial Empire.

THE EARL OF DUNRAVEN said, he deeply regretted to find that Her Majesty's Government were not going to lay additional Papers on the subject before Parliament.

THE EARL OF ROSEBERY said, he did not share in the noble Earl's regret. It appeared to him that the position of Sir John Pope Hennessy on returning to the Mauritius would, in the circumstances, be an extremely difficult one. And if the additional Papers corroborated the passages to which attention had been called in this Despatch, they would increase his difficulty in properly fulfilling his duties in the Colony. There was a phrase which spoke of "damning with faint praise," and any case of damnation with fainter praise than was afforded by this Despatch he thought their Lordships would find it very difficult to discover. Her Majesty's Government had determined to send Sir John Pope Hennessy back with a Despatch hanging round his neck, which placed his conduct before the inhabitants of the Colony in a light which could not be considered otherwise than unfavourable.

This discussion was a very painful one, and he did not see how further Papers would improve matters. Those which had already been laid on the Table were sufficiently condemnatory, and further Papers would only increase the difficulty.

THE EARL OF MILLTOWN said, it was to be regretted that the evidence taken at the inquiry was taken in English, as very few people in the Island were able to speak or understand English properly. If, as had been stated, Sir John Hennessy's policy was—

> "The Mauritius for the Mauritians, those who were most opposed to him would probably be found among the English-speaking part of the population, while his friends and defenders were practically prevented from giving evidence in his favour."

It was also much to be regretted that Sir Hercules Robinson had taken the extreme step of suspending the Governor, without waiting to hear his defence, on what was *ex parte* evidence given in his absence. In conclusion, he called attention to the words of the majority of the unofficial Members of the Council, which there was every reason to believe expressed the views of the great mass of the people of Mauritius—

> "Whatever may have been said to the contrary by a minority actuated by divers motives which it is useless to explain here, our Governor Sir John Pope Hennessy has done much for the good of the Colony during the three past years of his administration; by his kind, just and liberal policy he has gained the sympathy of the vast majority of the inhabitants of this Island, and he has done more than any of our previous Governors to endear to the Mauritians the ties which unite this Colony to the Empire."

On Question? *Resolved* in the *negative.*

ITALY AND ABYSSINIA.

QUESTION. OBSERVATIONS.

LORD NAPIER OF MAGDALA asked the Secretary of State for Foreign Affairs, Whether Her Majesty's Government would take any steps towards mediating between the Government of Italy and King John of Abyssinia, in order to prevent, if possible, the loss of life and the misery which a war between Italy and Abyssinia would entail, and also to enable Her Majesty's Government to fulfil the 1st Article of the Treaty with King John of Abyssinia, which guaranteed for him a free transit through Massowah? The noble and gallant Lord said, he was induced to ask the Question by a grateful remembrance of the assistance afforded by King John and the Abyssinian people to the British troops in Abyssinia. It was not his desire to enter on the question of the occupation of Massowah by the Italian troops. Although Massowah was really a part of Abyssinia, and ought, by right, to be restored to King John; yet, unfortunately, in the present state of his country, he could not hold it against any country possessed of a Fleet. He (Lord Napier, of Magdala) confessed that he viewed with satisfaction the occupation of the African Coast by a highly honourable and enlightened nation such as the Italians, and hoped that close intercourse with Abyssinia would lead to much social improvement of that country. King John had done much to create law and order in Abyssinia. He ruled over a wild and unruly people, including many feudal Chiefs of considerable power, and therefore had had to exercise some severity. They must not forget that it was not very long since their own Penal Code was very severe; but King John had done much for the improvement of Abyssinia, and for promoting commerce; and it would be a subject of great regret if war should throw back all that progress. The origin of the quarrel was not generally known; but it was supposed that the Italians had advanced on the neutral ground which had been previously maintained between Abyssinia and Massowah. Probably the Commanders on both sides had gone beyond the wishes of their Rulers. It was much to be regretted that Abyssinia did not appeal for the mediation of England before blood had been shed. If they could possibly mediate between the two countries, it would be a benefit to humanity. The Italians were a military nation with a highly disciplined army, and perfect weapons of offence, and there could be no doubt that they must ultimately prevail; but the Abyssinians also were a brave race of hunters, and good marksmen; their country was very difficult. If the advance through the long dangerous passes would be difficult with an enemy thoroughly acquainted with the country, able to travel long distances rapidly, and requiring little commissariat, a retreat might be disastrous, as the passes were liable to sudden floods which came with little warning, and swept away everything in their path. He trusted that Her Majesty's Government would endeavour to mediate between the two countries. It would be a great benefit to humanity.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): My Lords, I am not at all surprised at the interest which the noble and gallant Lord feels in this matter, for, in his case, Abyssinia is connected with the recollection of very brilliant military operations. There is no man who is more entitled to take an interest in that country, and there is no man whose opinions and warnings should be received with greater attention, or should have greater weight attached to them. I quite concur in the view he takes of the relations of this country to the King of Abyssinia. He has been a good friend to us, and we have no cause of complaint against him, but rather we have cause to set value on the friendship he has shown. On the other hand, our friendship with the Italians is of long date—it dates from the origin of their Kingdom—and has, as far as I know, never suffered a cloud, and there has never been a period at which it has been more cordial, I believe, on both sides than it is now. We naturally should look with extreme sorrow on any event that would involve either of the Powers named in a sanguinary war; but I will not permit myself to speculate on the probabilities of such an event, or on the causes that may lead to it. The Italians know perfectly well that if it should ever fall within our power in any way to assure the chances of peace, or to give to them any assistance we can legitimately offer, it will be an opportunity that we shall very gladly and heartily welcome. But the offer of mediation, as the noble and gallant Lord knows well, is not an offer which it is open to any Power to make unless the Power making it is certain that the friendly Power to whom it is made will receive it with satisfaction. Therefore, if we have taken no steps the noble and gallant Lord must not infer that we view what is going on with apathy or indifference. He must not infer that we are lukewarm in the cause of peace, or that there is any falling off in the friendship we have always felt for Italy, and also, as the noble and gallant Lord says, for Abyssinia. I will only earnestly hope that the calamities which the noble and gallant Lord anticipates may not happen, and I can assure him that in this, as in every other instance, the most earnest efforts of Her Majesty's Government on all opportunities which may legitimately offer themselves will be used in the cause of peace.

CRIMINAL LAW (SCOTLAND) PROCEDURE (No. 2) BILL.—(No. 178.)

(*The Marquess of Lothian.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE SECRETARY FOR SCOTLAND (The Marquess of LOTHIAN), in moving that the Bill be now read a second time, said, that it was intended to simplify the proceedings in criminal prosecutions in Scotland. It was proposed to make alterations in various ways, two or three of which he would mention. First, it was proposed to dispense with the present form of indictment, which set forth the offence charged in the most elaborate form. In old days, when the principles of the Criminal Law were developing, these indictments might have had their use; but there was no reason why they should not now be made more intelligible. Another principal point was with respect to the system of trial of prisoners which had been found beneficial in Sheriff Courts in Scotland, and which it was now proposed to extend to all Courts of Justiciary in Scotland. Under the system referred to there were two "Diets" or sittings of the Court, the first of which was called the "Pleading Diet," when the accused person was called upon to plead to the charge made against him. The result was that when a prisoner pleaded guilty the Sheriff decides upon the case at once, and thus all the expense and trouble of the second "Diet," with the attendance of witnesses, were saved, and all necessity for summoning a jury was avoided. A further object of the Bill was to carry out the recommendation of the Royal Commission, and enable the whole of the 13 Judges in Scotland to sit in criminal cases. The Bill provided that a certain amount of increased salary should be given to those Judges whose duties were increased. The Bill made a further alteration in Scottish law with regard to proof of previous convictions. Under the present system no previous conviction could be tendered against an accused person unless it was for the same offence as the charge then being investigated.

The result was that a criminal who merely changed the nature of his offence could not have previous convictions brought against him. The Bill had been received with universal favour by the various legal bodies in Scotland.

Moved, "That the Bill be now read 2ª."—(*The Marquess of Lothian.*)

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

SMOKE NUISANCE ABATEMENT (METROPOLIS) BILL.—(No. 175.)

(*The Lord Stratheden and Campbell.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

THE CHAIRMAN OF COMMITTEES (The Duke of BUCKINGHAM and CHANDOS) asked the noble Lord who had charge of the Bill to postpone its consideration till Monday, when the evidence on the subject would have been delivered and be in the hands of noble Lords.

LORD STRATHEDEN AND CAMPBELL acceded to the request of the noble Duke, and hoped he would use his influence as Chairman of Committees to insure the distribution of the Papers.

Committee of the Whole House *put off* to *Monday* next.

House adjourned at a quarter past Seven o'clock, to Monday next, a quarter before Eleven o'clock.

HOUSE OF COMMONS,

Friday, 29*th July*, 1887.

MINUTES.]—SELECT COMMITTEES — *Report* — Perpetual Pensions [No. 248]; Saving Life at Sea [No. 249]; Police and Sanitary Regulations [No. 250].

PRIVATE BILL (*by Order*)—*Considered as amended* —Sheffield Corporation Water.*

PUBLIC BILLS — *Second Reading* — Turnpike Roads (South Wales) * [333].

Report of Select Committee — Stannaries Act (1869) Amendment; Mining Leases; Mining Leases (Devon and Cornwall) [No. 252].

Committee — Irish Land Law [308] [*Fifth Night*]—R.P.

Committee — *Report* — Agricultural Labourers' Holidays (Scotland) * [311].

Withdrawn—Justices of Peace * [34].

QUESTIONS.

ROYAL COMMISSION ON WARLIKE STORES—THE REPORT.

MR. HOWARD VINCENT (Sheffield, Central) asked the Secretary of State for War, If his attention has been directed to the following paragraphs of the Report of the Royal Commission on Warlike Stores, namely:—

> "75. We should be very sorry to say a disrespectful word of the eminent persons who have filled, or do fill, the position of Secretary of State and Surveyor General of the Ordnance. Their position, however, appears to us to be a false one, to result in great weakness of administration, and to stand in the highest degree in need of alteration;"
>
> "192. The great defects of the existing system are three: First, it has no definite object. Secondly, it has no efficient head. Thirdly, it has no properly organized method of dealing with technical questions which arise as to the construction or purchase of warlike stores. In other words, it requires more system, more publicity, more vigour in administration, and more special knowledge in council; "

and, what steps he proposes to take to remedy a state of affairs so prejudicial to the interests of the country?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): I do not suppose that my hon. Friend really thinks it possible that, within the limits of an answer to a Question, I can explain the steps I propose to take in consequence of the Reports of the Royal Commission on Warlike Stores and of Lord Morley's Committee. I hope, however, to be able to do so either during the discussions on the Estimates, or, at any rate, before the end of the Session. I may add that the Royal Commission, from whose Report the paragraphs quoted are taken, took hardly any evidence on the particular subjects referred to in them.

THE MAURITIUS—CONSTITUTION OF THE COUNCIL — SIR JOHN POPE HENNESSY.

MR. SALT (Stafford) asked the Secretary of State for the Colonies, Whether the non-official Members of Council in Mauritius consist of 19 persons, of whom nine are nominated by the Governor and 10 are elected; whether of these 10, five at least, representing a great majority of the electors in Mauritius, have petitioned for the removal of Sir John Pope Hennessy; whether three of the leading officials of the Colony, who gave evidence on oath before Sir Hercules Robinson—namely, Mr. Elliott, Receiver General, Mr. Didier, Acting Puisne Judge, and Mr. Davidson, Superintendent of the Government Lunatic Asylum, have recently been in England; and, whether he has given to them, as well as to the Governor, opportunities to state their views before him?

MR. HENNIKER HEATON (Canterbury): Before the right hon. Gentleman answers the Question, I would ask him this also—Is it not the fact that, in addition to the majority of the unofficial Members being favourable to the Governor, the large majority also of the official Members of the Council are in the Governor's favour? Is it not the fact that while two Memorials, one signed by over 4,000 and another by over 6,000 persons, have been received in the Governor's favour, the largest number that signed the Memorial against him was only five individuals; and whether that number has not now been reduced?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): With regard to the Question just asked me, I have given the information in a former answer. With regard to the Question on the Paper, I have to say that to the first paragraph my answer is in the affirmative. As to the second paragraph, five of the elected Members petitioned for an inquiry into the conduct of Sir John Pope Hennessy. Those five Members obtained, I am informed, 43½ per cent of the votes given at the General Election, and represent constituencies which include three-fourths of the whole number of electors, who, I may observe, are only about 1 per cent of the inhabitants of the Colony. As to the third paragraph, these three officers are in England. Two of them—Messrs. Elliott and Didier—gave evidence before Sir Hercules Robinson; but Dr. Davidson did not. As to the fourth paragraph, I may point out that these gentlemen were not in the position of the Governor, who was summoned here to give his explanation. I saw no necessity, and had no intention, of re-opening the inquiry beyond hearing the Governor.

MR. ARTHUR O'CONNOR (Donegal, E.): I wish to ask the right hon. Gentleman, whether the 90 per cent of the inhabitants of the Island who are not enfranchised regard Sir John Pope Hennessy as their friend and protector?

SIR HENRY HOLLAND: To that kind of Question, also, I have already given an answer previously. I said that as regarded the Indians, who constituted most of the people, I did not think that they had taken any very great interest in the matter.

MR. ARTHUR O'CONNOR: Are the Indians of no account?

SIR HENRY HOLLAND: Certainly they are of account; but it does not follow that they took a great interest in the matter.

THE METROPOLITAN POLICE—CIRCULAR OF THE CHIEF COMMISSIONER.

MR. J. E. ELLIS (Nottingham, Rushcliffe) asked the Secretary of State for for Home Department, Whether, in view of the following sentence in a Circular just issued to the Metropolitan Police by Sir Charles Warren:—

> "The Commissioner desires to say on the subject, that he will institute the fullest inquiry into the allegations made by the public on the subject of blackmailing, and is quite aware that the Police Force court the most open and complete investigation. He has to observe that the accusations have been hitherto made under assumed names, or by persons speaking from such positions that they cannot readily be required to show whether they have any foundations for their allegations,"

he will state whether any investigation has been made into the serious and definite allegations of blackmailing against the police on duty in the neighbourhood of Clapham Common; and, if so, with what result; and, if no investigation has yet been made, when such is proposed?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The allegations referred to in the Question are serious indeed, but they are not very definite; and it is precisely because they are not very definite that it is extremely difficult to test them. I have, however, directed that the best investigation possible shall be made; and I am sure the hon. Member will feel that it will be better that I should not describe the steps which will be taken, as publicity would defeat any efforts to discover the truth. I will add that I will welcome information of any specific facts from any quarter that will give a basis to work upon.

PUBLIC HEALTH (METROPOLIS) — HENDON SANITARY AUTHORITY.

MR. BARTLEY (Islington, N.) asked the President of the Local Government Board, Whether his attention has been called to the drainage arrangements of the Hendon Local Sanitary Authority at Alperton, and to the offensive and dangerous effluvia which spreads from them for miles round, reaching as far as the northern part of Ealing; and, whether he will order an inquiry into the subject, with a view to stop this nuisance and danger to the health of a large portion of the North West of the Metropolis?

THE PRESIDENT (Mr. RITCHIE) (Tower Hamlets, St. George's): The Local Government Board have not received any complaint as to the drainage at Hendon or Ealing. If any such complaint is made to the Board it will receive attention. I may add that the Board have to-day received a letter from the Sanitary Authority, in which they entirely deny that the works are not carried on in a satisfactory manner. I have asked an Inspector of the Board to report on the subject.

LAW AND POLICE (SCOTLAND)—ATTACK ON CHARLES ROBERTSON, INVERNESS-SHIRE.

MR. BRADLAUGH (Northampton) (for Mr. FRASER-MACKINTOSH) (Inverness-shire) asked the Lord Advocate, Whether he has received any Report regarding a serious attack made, on the 14th May last, upon Charles Robertson, in Kinveachie, of Aviemore, Inverness-shire, aged 78 years, by a neighbouring farmer, who felled him to the ground, and otherwise maltreated the old man; and, whether he will cause an impartial inquiry into the circumstances?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): This matter was reported to the Procurator Fiscal at the time by the constable of the district, who was present when the alleged attack is said to have taken place. Inquiry was made, from which it appears that Robertson, who is a pauper, had taken forcible possession of a house belonging to a neighbouring farmer referred to, in which a pauper relative had died, and the furniture in which was claimed by the Inspector of Poor. As he would not go, Robertson was eventually carried out of the house. My information differs in material respects from what is stated in the Question put, as Robertson is to be tried on the 3rd of August for a breach of the peace on the occasion referred to. The facts would then be made public, and the case dealt with by the Sheriff. The matter being thus *sub judice*, I do not think I ought to make any further statement.

POST OFFICE—CENTRAL TELEGRAPH OFFICE—VACANT CLERKSHIPS.

MR. M'CARTAN (Down, S.) asked the Postmaster General, Whether he is aware that in the Central Telegraph Office there are 43 appointments in the first class which have been vacant since 1881; whether, by the late extension of the first-class, the number of these vacancies has been since increased to 115; whether, considering that the clerks waiting for promotion to these vacancies have never received the slightest benefit from the "Fawcett" Scheme of 1881, but have actually lost thereby, he will take steps to fill up these vacancies without any further delay; and, whether he will take into consideration the justice of giving these clerks "back pay" from the time of their appointment, as was done recently in a similar case in Dublin?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): It is not the fact that the vacancies existed in 1881. In consequence of the introduction of the 6*d*. rate large additions have been made to the staff, and the new entrants have entered at the bottom of the scale. In 1886 the number of the higher classes was re-adjusted, and a margin left to meet future requirements. It is only since then that the present vacancies have existed. It was not intended to fill all of them up at once. If that had been the intention, a smaller number would have been asked for.

MINES REGULATION ACT, 1872—POGGS COLLIERIES—DARCY LEVER.

MR. J. E. ELLIS (Nottingham, Rushcliffe) asked the Secretary of State for the Home Department, Whether he can now state the result of the investigations into the circumstances mentioned in the following paragraph from *The Times* of 19th July:—

> "Before the Bolton County Magistrates yesterday, the manager at the Poggs Collieries, Darcy Lever, was summoned at the instance of Mr. Dickinson, Chief Inspector of Mines, for a breach of 'The Mines Regulation Act, 1872,' for not supplying sufficient ventilation;
>
> "On the 16th of May a fireman, named Haydock, reported gas to the manager in one of the working places. He continued to report it until the 24th, when he went into the place and was suffocated. The defendant was fined £10 and costs?"

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I have had a full and careful inquiry and Reports from the Inspector. The manager was prosecuted and convicted for not having brought the ventilation of the mine into an adequate condition with sufficient promptitude; but this neglect can hardly be regarded as the cause of Haydock's death. Haydock had daily visited and reported on a working place where an eruption of gas had taken place, and from which workmen were properly excluded while endeavours were made to drain off the gas. On the 24th Haydock, in visiting the place, very imprudently went to a point in the working place at which there was too much gas present for his lamp to burn, leaving his lamp on the ground behind him. His object appears to have been to pull down some brattice, and thereby to facilitate the escape of the gas. This was an error of judgment on his part, and his action brought upon him the gas which suffocated him. The manager is an old and thoroughly experienced practical collier, and I do not think the circumstances call for any further proceedings against him.

WAR OFFICE—BRADFORD BARRACKS —THE 44TH ESSEX REGIMENT.

MR. BYRON REED (Bradford, E.) asked the Secretary of State for War, Whether it is a fact that, upon the arrival of the 1st Battalion of the 44th Essex Regiment at Bradford Barracks in the week before last, it was discovered that there were no quarters available for the married non-commissioned officers and men, who had, therefore, to be provided with private lodgings; whether this state of things is of long standing, and has been frequently complained of by the local Military Authorities; whether the sanitary arrangements of these barracks are so defective and out of repair that a serious outbreak of infectious disease followed upon their occupation by the troops that preceded the 44th Essex Regiment; and, what steps the War Department propose to take to put the barracks into a condition of sufficient accommodation and proper repair?

THE SURVEYOR GENERAL OF ORDNANCE (Mr. NORTHCOTE) (Exeter) (who replied) said: During June and the early part of July there were in Bradford Barracks cases of measles and scarlet fever; but the medical officers reported that those diseases were prevalent in the vicinity of the barracks, and that there was nothing to indicate that they had been generated from, or spread by, defective arrangements of the barracks themselves. When the 1st Battalion of the Essex Regiment recently arrived the families of the soldiers were, by way of precaution, placed in lodgings, not because there were not quarters for them, but because their proper quarters had been under recent suspicion of infection. It has been already stated that it is intended to renew some of the outbuildings as funds become available.

INLAND NAVIGATION AND DRAINAGE (IRELAND)—THE LOWER BANN.

MR. BIGGAR (Cavan, W.) asked the Secretary to the Treasury, If his attention has been drawn to the Resolutions of the Grand Juries of Antrim and Derry, declaring that the navigation schemes for the Lower Bann have entirely failed, and calling on the Board of Works to have the artificial obstructions to the flow of water removed as soon as possible; and, whether the hon. Gentleman will direct the improvements suggested to be carried out with as little delay as possible?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): I have not seen the Resolutions referred to; but they will considerably facilitate matters in regard to the improvement of the Lower Bann. But the hon. Member is, perhaps, not aware that the Board of Works have no authority over the river, and have had none for 25 years. Any works which may be desirable and practicable must, therefore, be carried out by, or by agreement with, the two Local Boards which now control the river, until a new organization has been established by legislation. But the Government intend to take the matter up as soon as the Vote has been passed by this House, and to secure as much work being done as is possible during the present financial year and under existing conditions.

In reply to Mr. ARTHUR O'CONNOR (Donegal, E.),

MR. JACKSON said, he could not name the day on which the Vote would come forward; but it would come as a Supplementary Estimate.

IRELAND—PROCLAMATION OF A PROTESTANT HOME RULE MEETING AT KILKERTON.

MR. M'CARTAN (Down, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, with reference to the suppression of the Protestant Home Rule meeting at Kilkerton on the 25th May last, Whether he is aware that the information on which it is alleged the meeting was proclaimed by Lord Kilmorey and his land agent, Mr. Henry, acting together as Justices, was sworn by John Linton, of Moneydanaghmore; whether Linton is one of the leading Orangemen who were entertained in Lord Kilmorey's demesne on the 12th July, and if he is the same Linton who moved a vote of thanks to Lord Kilmorey on that occasion; whether Linton was sent for and desired to attend at Lord Kilmorey's office on the morning of the meeting; whether he swore the information in the rent office in the presence of Lord Kilmorey and his agent; whether the information was dictated by Lord Kilmorey or his agent; whether the information was made up of what was expressedly "hearsay" Reports, without any reference to the source from which such Reports came; and, whether he will direct the attention of the Lord Chancellor to the matter?

MR. JOHNSTON (Belfast, S.): May I ask the right hon. Gentleman also, whether the Meetings of so-called Protestant Home Rulers are largely composed of Roman Catholic priests and their congregations?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, his hon. Friend must give Notice of the Question. He had no information at present as to the composition of the meetings. In answer to the Question put by the hon. Member on the Paper, he could reply that the information was sworn by John Linton. He was not aware whether it was sworn in the rent office. It was not exclusively made up of hearsay Reports. The matter was at once brought under the notice of the Lord Chancellor.

MR. M'CARTAN: Did the right hon. and gallant Gentleman make any inquiry whatever as to where this information was sworn; and if the right hon. and gallant Gentleman has a copy of the information will he show it to the House? If he has not a copy I can oblige him with a copy, which was sworn in the rent office of Lord Kilmorey.

COLONEL KING-HARMAN: Yes, Sir; I have a copy; but I can find nothing in the copy to show where it was sworn, except that it was sworn at Kilkeel, County Down. The house where it was sworn is not mentioned, so far as I can see.

MR. SEXTON (Belfast, W.): Have the Irish Government inquired from Lord Kilmorey whether he sent for the man Linton, in order to procure the man Linton to swear an information upon which Lord Kilmorey subsequently suppressed a public meeting?

COLONEL KING-HARMAN: No, Sir; the Irish Government have made no such inquiry. I must point out that it would be manifestly the duty of a magistrate to obtain the best and most accurate information possible in such matters.

MR. SEXTON: But is it the duty, or the right, of a magistrate to send for a person to induce him to swear an information to carry out a preconceived purpose of the magistrate?

COLONEL KING-HARMAN: It is the duty of a magistrate to take any and every step in his power to preserve order.

MR. M'CARTAN: Is the right hon. and gallant Gentleman aware that the Chief Secretary stated that the meeting was not convened by placard, and that the information said that "Placards were extensively posted;" and is the right hon. and gallant Gentleman aware that the information is signed by two magistrates—Lord Kilmorey and Lord Kilmorey's land agent?

Colonel KING-HARMAN said, he was aware that the Chief Secretary had made the statement referred to in his first answer; but he was also aware that the Chief Secretary had subsequently stated that he had been misinformed. With regard to the fact that the information was signed by two magistrates, that had been brought under the notice of the Lord Chancellor.

WATCH CLUBS—THE PLATE LICENCE —UNLICENSED AGENTS.

Mr. M'LAREN (Cheshire, Crewe) asked Mr. Chancellor of the Exchequer, Whether his attention has been called to an evasion of the law requiring sellers of watches to take out plate licences, by large London dealers sending unlicensed agents into country districts to form watch clubs among working men, and even among domestic servants; whether such agents should each take out a licence; and whether the secretary or managing member of each watch club should also take out a licence to sell; and, whether, if such be the case, he will take steps to have the law carried out?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): The Board of Inland Revenue are not aware of any evasion of the law, as stated by the hon. Member. A person who, as agent, sells plate, or takes orders for the same, otherwise than in the capacity of a *bonâ fide* traveller, is required to obtain a licence; but a person who merely acts as the secretary or managing member of a watch club, receiving instalments of purchase-money from the members in payment for watches sold to them by dealers in plate at their licensed premises, does not require a licence.

LAW AND POLICE (SCOTLAND)—THE BLANTYRE RIOTS.

Mr. HOZIER (Lanarkshire, S.) asked the Lord Advocate, By whom the expenses for the board, lodging, &c. of the additional troops specially stationed at Hamilton during the Blantyre Riots are to be defrayed?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities), in reply, said, the officer commanding this regiment had, he was informed, received directions to pay the regulation allowance to the innkeepers on whom the troops were billeted.

POST OFFICE (SCOTLAND)—THE WICK AND GOLSPIE LETTER-BOX.

Mr. A. SUTHERLAND (Sutherland) asked the Postmaster General, Whether it is the case that a late letter-box is attached to the mail train leaving Wick at 12.10 a.m. for the South; whether that box is removed whenever the train leaves Wick Station, thus depriving the intermediate stations between Wick and Golspie, where the sorting van is attached, of the advantages of late posting; and, whether he will order the sorting van to run through to Wick, and *vice versâ*; or, whether he will cause the late letter-box to remain attached to all trains carrying letters between Golspie and Wick?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): It is the case that, in order to give the inhabitants of Wick the opportunity of posting letters for the South up to the last moment, a letter-box is hung at the side of the 12.10 a.m. train while standing in the Wick Station. When the train starts the box is taken into the guard's van, and remains in his custody until it is handed over to the Post Office sorters, who join the train at Golspie. Considering that the train passes the stations intermediate between Wick and Golspie in the dead of the night, the letters that would be posted at those stations if the box were put out at each place would be few, if any, and the arrangement would be a troublesome one to the train guard, the officer of the Railway Company, who has, of course, his other duties to attend to. Except as restricted, the arrangement is not one that can be properly worked by a train guard; and it would be a costly arrangement, for which I can see no present justification, to run the sorting van through to Wick, so that there might be Post Office officials in the train to receive late letters from the public. It might, perhaps, be possible to take letters at Wick by the 8 a.m. train to the South, as is done in the case of the 12.10 a.m. train. But on this point I will have some further inquiry made.

POST OFFICE—THE HOSTER STAMPING MACHINE.

Mr. W. F. LAWRENCE (Liverpool, Abercromby) asked the Postmaster General, Whether the Tables issued by the Postal Machinery Company, and purporting to be the results of "Official" trials of the Hoster Stamping Machine are rightly so described; whether these trials took place in June, 1884, and March, 1886, in the presence and under the supervision of the Post Office officials, and as to those of March, 1886, under their special endorsement; whether the results there set out are disputed by the Department; and, if the trials were not so conducted, or the alleged results are disputed as aforesaid, whether the Department will permit a trial of the machine to be held in the presence of the officials of the Departments, assisted by other qualified authorities?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): There have been several trials at the General Post Office, including that in June, 1884, of the letter-stamping machines submitted by the Postal Machinery Company, at which officials of the Post Office and the manager of the Company have been present. The trial in March, 1886, appears to have been conducted at the branch office in Bedford Street, W.C., by the manager of the Company, in the absence and without the cognizance of the responsible officers of the Department. The statistics contained in the Tables issued by the Company cannot be accepted as entirely correct. I have, therefore, given instructions for the question to be re-investigated, with the assistance of an engineer to be nominated by the Chief Engineer to the Department, another to be nominated by the Company, and, as another machine has recently been under consideration, by a representative of its proprietors.

WAR OFFICE (WORKS DEPARTMENT) —CASE OF J. F. CONNOLLY.

Sir WILLIAM CROSSMAN (Portsmouth) asked Mr. Chancellor of the Exchequer, Whether the late J. F. Connolly, who has been employed for nearly 30 years as draftsman in the Works Department at the War Office, would have received, on the discontinuance of his employment this year, a gratuity of one year's salary, £273 15*s.*; whether the Treasury sanction for this gratuity, though received at the War Office, was not notified to Mr. Connolly; whether Mr. Connolly, in great distress of mind at the prospect of being discharged without any compensation after so many years of good and faithful service, committed suicide; and, whether the Treasury have now refused to pay the gratuity which they had sanctioned to his widow; and, if so, whether that refusal can now be reconsidered, and application made, if necessary, to Parliament for a grant of money to pay the gratuity to Mr. Connolly's widow, who, with her two daughters, is left quite unprovided for?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): The Treasury did sanction a gratuity of the amount stated to Mr. Connolly on the abolition of his office. The fact that the gratuity had been granted to him was not immediately notified to Mr. Connolly; because in the interval between the application and the granting of the pension his term of service had been extended for three months. I am unable to say whether Mr. Connolly's death was due to distress of mind at the idea that he was to be discharged without a gratuity; but, as a matter of fact, he never inquired of the War Office Authorities whether any gratuity had been granted to him. It was not within the competence of the Treasury to sanction the payment to Mrs. Connolly of the gratuity granted to her husband. Most careful consideration was given to the question whether there was any Vote to which the sum could properly be charged. But the Treasury was reluctantly forced to the conclusion that it had no legal power to allow the payment. It is desirable that the House and the public should thoroughly understand that the Treasury has very little discretion as to the granting of gratuities. The legal restraints put upon it sometimes lead to hard cases; but, for my part, I think it would be very inexpedient that Public Departments should have funds at their disposal out of which they could at their discretion grant allowances or gratuities without being submitted to almost iron rules. Under the very peculiar circumstances of this hard case, and especially in view of the fact that the grant of the gratuity was never notified to Mr. Connolly, the Government will ask Parliament to sanction the payment to Mrs. Connolly of an amount equal to the gratuity granted to her husband.

ISLANDS OF THE SOUTHERN PACIFIC —THE NEW HEBRIDES — NEGOTIATIONS WITH FRANCE.

Mr. BRYCE (Aberdeen, S.) asked the Under Secretary of State for Foreign Affairs, When he expects to be able to give an account of the progress of the negotiations with France, relating to the evacuation of the New Hebrides; whether those negotiations are confined to pressing on the French Government the duty of fulfilling the engagements made regarding the New Hebrides, or embrace other questions relating to other Islands in the Pacific Ocean; and, if they do embrace such other questions, what those questions are, and what is the nature of the arrangements which have been proposed to, or are being considered by, Her Majesty's Government?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): I hope to lay upon the Table Papers showing the course of these negotiations. The negotiations as to the New Hebrides have been associated with others which had been commenced in the time of previous Governments; but Her Majesty's Government have pressed for nothing else from the French Government except a fulfilment of the formal obligations of the French Government with respect to the New Hebrides. Her Majesty's Government are well aware that these questions have been too long at issue; they have spared no efforts to bring them to a conclusion by friendly representations; and they cannot but deeply regret the unsettled position in which they still remain.

Mr. BRYCE asked, when the Papers would be laid on the Table; and, also, whether it was the intention of the Government that any agreement finally made should be confined to the settlement of the New Hebrides question; or whether the evacuation by France of the New Hebrides would involve the concession of something else on our part?

Sir JAMES FERGUSSON said, that Papers would be presented before the end of the Session; he hoped in a few days. The settlement of the New Hebrides question, which he trusted would not be much longer delayed, would stand on its own merits; but he did not mean to say that other Pacific questions would not be arranged; because when Earl Granville held the Seals of the Foreign Office there were negotiations on other Pacific questions; but Her Majesty's Government had held that the New Hebrides question should stand by itself.

TRAMWAYS (IRELAND)—THE SCHULL AND SKIBBEREEN TRAMWAY.

Dr. KENNY (Cork, S.) asked the Secretary to the Treasury, Whether he is aware that at the Cork Assizes just held an application was made before Judge O'Brien (as reported in *Cork Daily Herald* of 26th instant), for a mandamus to compel the Arbitrators of the Schull and Skibbereen Tramway to grant their certificate to enable payment to be made of the Guaranteed Baronial Dividend on that undertaking; that, during hearing of said application, it was stated by one of the Arbitrators, Mr. Barrett, that General Hutchinson, of the Board of Trade, had in his original Report on the line certified it was in proper order; but that immediately afterwards Mr. Jackson, the County Surveyor of West Riding of Cork, re-inspected the inspected line, and certified that it was in a very unfinished state and required a large outlay, and that General Hutchinson, in a subsequent Report, also condemned the state of the line; that Judge O'Brien then expressed the opinion that, inasmuch as the present state of the line was occasioning great loss to the ratepayers of the district, the ratepayers ought to be compensated for the loss they are now sustaining by reason of the mistake of General Hutchinson; and, whether, considering the great hardships entailed through General Hutchinson's error on the people of the district, he will recommend the Treasury to grant some assistance towards defraying the cost of putting the line into working order?

The SECRETARY (Baron Henry De Worms) (Liverpool, East Toxteth): The Tramway was authorized by an Order of the Lord Lieutenant in Council, and, in accordance with the Tramways (Ireland) Act, 1871, had to be inspected and certified as fit for public traffic by the Board of Trade before being opened. The Order in Council also provided that the use of steam or mechanical power should be subject to Regulations made by the Board of Trade. As regards fences, railings, &c., the work had to be done to the satisfaction of the County Surveyor. Upon this officer is also thrown the duty of inspecting the line, engines, and rolling stock from time to time, and reporting to the Grand Jury. The line was inspected by General Hutchinson in September, 1886; and, as the result of his Report, Steam Regulations were issued, and the line certified to be fit for public traffic. Shortly after the line was opened the engines appear to have broken down, and traffic was suspended. The Board of Trade cannot be responsible for the failure of the engines. Subsequently, at the instance of the ratepayers, the Board of Trade appointed General Hutchinson to hold a further inquiry; and, as a result of this inquiry, the Board of Trade have certified that there has been default in working and maintaining the line, and have called upon the promoters to make good the default within four months. Nothing has been seen or heard by the Board of Judge O'Brien's expression of opinion. The line was open for six months; and a certificate that a line is fit for public traffic is not a guarantee that the line will be so maintained and the rolling stock kept in efficient order. The information before the Board of Trade tended to show that insufficient funds contributed largely to the closing of the line.

Dr. KENNY asked, whether it was not owing to the original defect in the construction of the permanent way, which was so badly ballasted that as soon as the engines were put on they began to subside; and whether the break-down of the engine was not due to the fact that it was not able to bear the strain put upon it by the roughness of the way?

Baron HENRY DE WORMS: The Board of Trade have no information confirming that view. The information I have is that the engines themselves were unfit for the work.

Dr. KENNY: Will the hon. Gentleman recommend that a portion of the £50,000 of the Imperial grant be devoted to defray the expenses of putting this line into order, and so relieving the unfortunate ratepayers?

Baron HENRY DE WORMS: I have no power whatever in such a direction, nor could I recommend the Treasury to take any such step.

THE MAGISTRACY (ENGLAND AND WALES)—B. G. D. COOKE, J.P. FOR THE COUNTY OF FLINT.

Mr. J. ROBERTS (Flint, &c.) asked the Secretary of State for the Home Department, Whether Bryan George Denis Cooke, of Colomendy Mold, is still a Justice of the Peace for the County of Flint; whether during the last 10 years he has not been twice a bankrupt; whether, at his last examination, he offered a composition of 2*s*. 6*d*. in the £1; whether that has not been paid to this day; whether, during the last 10 years, he has been repeatedly summoned for the non-payment of rates; and, whether, nothwithstanding these circumstances, he still continues to act as a magistrate for the county?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): I am informed by the Lord Chancellor that he has not received any information as to the pecuniary circumstances of the gentleman named in the Question, or as to whether or not he has been summoned for non-payment of rates; but he has communicated the Question to the Lord Lieutenant of the county, in order that such steps, if any, as may be necessary may be taken.

IRELAND—PHŒNIX PARK, DUBLIN—THE MILITARY BAND.

Mr. MURPHY (Dublin, St. Patrick's) asked the Secretary of State for War, Whether he will acquiesce in the resumption, during the present summer, of the military band performances which were given in the Phœnix Park, Dublin, on Sunday evenings during the summer and autumn of last year, and which attracted large and well-ordered crowds; and, whether he is aware that both the Catholic and Protestant Archbishops of Dublin have expressed opinions in favour of this means of enjoyment being afforded to the people?

Mr. JOHNSTON (Belfast, S.): May I ask whether, in the event of the resumption of the performances, the right hon. Gentleman will direct that the concluding air shall be "God save the Queen," and that the continuance of the performances shall depend upon the reception accorded to that air?

MR. MURPHY said, the hon. Member could hardly be aware that the concluding air in Phœnix Park was "God save the Queen."

THE SECRETARY OF STATE (MR. E. STANHOPE) (Lincolnshire, Horncastle): I should be unwilling, in a case of this nature, to fetter the discretion of the Local Authorities. I should certainly offer no objection myself; but I should be going rather far if I attempted to fetter the discretion of the Local Authorities, especially in the matter of the tunes.

POST OFFICE (TELEGRAPH DEPARTMENT)—INSULATORS.

COLONEL HUGHES-HALLETT (Rochester) asked the Postmaster General, On whose recommendation the telegraph insulators generally used by the Post Office were adopted; how many of these insulators, approximately, are in use; whether, in the price paid to the makers, any sum is reserved for the patentee; and, if so, what amount; whether it is to the public advantage that the supplies should be obtained from one firm only; and, if he will take steps to ascertain the ordinary market value of the insulators, and to obtain future supplies by open tender in the usual way?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): In reply to the hon. Member, I have to state that the telegraph insulators generally used by the Post Office were adopted on the recommendation of the late engineer-in-chief of the Department, and that there are probably more than 1,250,000 of them in use. I have no knowledge of the relations as to payment or otherwise between the patentee and the manufacturers. As I stated in answer to the hon. Member's previous Question, these insulators can only be obtained from one firm, who are the sole makers. Supplies, therefore, cannot be obtained by open tenders. I may add that a new form of insulator is being tried, and that 10,000 of this form have been ordered for a more extended trial during the present year.

FRIENDLY SOCIETIES—LEGISLATION.

MR. BROADHURST (Nottingham, W.) asked the Secretary to the Treasury, Whether it is the intention of the Government to introduce a Bill relating to Friendly Societies this Session?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): Yes, Sir; we hope to introduce a Bill making sundry amendments of details which the actual working of the Friendly Societies Acts has shown to be desirable; but it is not intended in this Bill to make any radical changes.

ARMY (AUXILIARY FORCES)—AMMUNITION TO VOLUNTEERS AND YEOMANRY.

VISCOUNT EBRINGTON (Devon, Tavistock) asked the Secretary of State for War, Whether the Volunteers receive from the Government 90 rounds of ball cartridge per man, and are further allowed to purchase as much more as they like at cost price, while the Yeomanry are only given 30 rounds per man, and do not enjoy any facilities for purchasing extra ammunition; and, whether, in view of the importance of good shooting in every branch of the Service, he will consider the expediency of putting the Yeomanry on the same footing as the Volunteers in respect of the issue and purchase of ammunition?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): The Volunteers are allowed 90 rounds of ball cartridge yearly, and the Yeomanry, under a recent Regulation, 40 rounds. Men of either arm can purchase, in addition, any ammunition they require for regimental use at cost price. As the chief weapon of a mounted force is the sword, and not the rifle, the Yeomanry are not required to go through as much musketry instruction as the Volunteers. It is not considered desirable to assimilate the two courses.

PALACE OF WESTMINSTER—VENTILATION OF THIS HOUSE.

MR. J. E. ELLIS (Nottingham, Rushcliffe) asked the First Commissioner of Works, What steps have been taken to carry out the recommendation of the Select Committee on the Ventilation of the House, contained in the following paragraph of their Report, dated 31st May, 1886:—

"The Committee desire to draw attention to the fact that no single authority is responsible for the sanitation of the building. . . . . . And the Committee desire to express their opinion that all the arrangements having a bearing on the sanitary state of the building should be placed in the hands of one Central Authority, who should be responsible to Parliament for every detail?"

THE FIRST COMMISSIONER (Mr. PLUNKET) (Dublin University): I have carefully considered the paragraph of the Report referred to by the hon. Member; but I cannot see my way to any considerable change in the present distribution of authority. The various officers who manage the heating, lighting, drainage, and all the more important matters connected with the ventilation of the Palace are responsible to the First Commissioner, who is directly responsible to Parliament.

POST OFFICE—MEMORIAL OF POSTMEN.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the Postmaster General, Whether he has received a Memorial signed by over 400 postmen; whether nearly two months have elapsed since it was sent in; whether the receipt of it has not yet been acknowledged; and, when the Memorialists may expect an answer?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): I have received the Memorial referred to, which is undated, but which reached my Office on the 20th instant. There are no less than eight separate requests in the Petition; and I may say at once that I can hold out no prospect of a compliance with the greater part of them. I shall, however, continue my examination of the matter, and announce my decision to the Memorialists when I am in a position to do so. Meanwhile, the receipt of their Memorial shall be acknowledged.

POLICE COURTS (METROPOLIS)—CLERKENWELL—CONSTABLE BUTLER.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the Secretary of State for the Home Department, Whether Police Constable Butler is still acting as warrant officer at the Clerkenwell Police Court; and, whether he will now state what course he proposes to take with reference to the conduct of Constable Butler?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I have directed that Police Constable Butler, who is still warrant officer at Clerkenwell, shall be brought before his superior officers for his misconduct at the Clerkenwell Police Court, for which he will be dealt with in the usual course of discipline, and receive such punishment as they think proper under the circumstances.

MR. PICKERSGILL asked, whether Constable Butler would not be removed from the position of warrant officer at Clerkenwell Police Court?

MR. MATTHEWS replied, that a warrant officer was not usually withdrawn from the Police Court to which he was attached unless complaint was made by the magistrate, and in this case no such complaint had been made. The practical effect, however, of treating him as what was called a defaulter would be to suspend him from duty.

MR. PICKERSGILL asked, whether it was not a fact that complaint had been made to Mr. Barstow in open Court by Miss Parton of the conduct of the policeman, and that Mr. Barstow had very rudely declined to hear a word from her?

MR. MATTHEWS said, he was not aware of that fact; but he understood that an application had been made to Mr. Bridge, at Bow Street, for a summons against the constable for assault, and that it had been withdrawn, in order that the consequence which would inevitably follow—namely, the dismissal of the constable—might not ensue.

THE MAURITIUS—MR. CLIFFORD LLOYD.

SIR EDWARD J. REED (Cardiff) asked the Secretary of State for the Colonies, Whether it is true that Mr. Clifford Lloyd, after serving as Colonial Secretary in residence at the Mauritius for a period of eight months only, was subsequently absent from his post for a period of 10 months prior to his recent removal therefrom; whether the Colonial Office has called upon the Colony to provide half-pay for him throughout the whole of that period of absence; whether the Finance Committee of the Colony declined to vote this money, or all of it, on the ground that the full salary of the office was paid to Mr. Fleming, the acting Secretary, from the date of his assuming the duties; whether the Council of Government then voted the money, the Vote being carried by Government officials against the wishes of nine out of 11 non-official Members of the Council, and by means of a second and casting vote given by the acting Governor, Major General Hawley; and, whether, under these circumstances, he proposes to relieve the Colony from a charge which a large majority of the representative Members of the Council of Government deem to be an unjust exaction?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): The statement in the first paragraph of the Question is correct. Mr. Lloyd came home on sick leave, and could not be present at the inquiry in Mauritius. It was, therefore, thought desirable that he should remain and give his explanations here. In accordance with the Rules of the Service Mr. Lloyd has received half salary while on leave. The Council of Government were asked to vote for Mr. Fleming, the acting Colonial Secretary, the full pay of his office, instead of the half salary which was available under the Rules. The majority of the Finance Committee voted against giving the additional half salary to Mr. Fleming; two of the Members on the ground stated in the third paragraph. Nine out of 11 non-officials opposed the Vote, which was carried by 12 to 11. The acting Governor did not give a casting vote. Since the instructions for passing the Vote were given Mr. Fleming has been appointed to administer the Government temporarily; and, as he will thus receive a substantial increase of salary, I propose to instruct him not to draw the additional half salary thus voted to him.

CRIMINAL LAW AMENDMENT (IRELAND) ACT — PROCLAMATION OF IRISH COUNTIES—WEXFORD SUMMER ASSIZES—CHARGE OF MR. JUSTICE HARRISON.

MR. J. BARRY (Wexford, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the address of Mr. Justice Harrison to the Grand Jury, at Wexford Summer Assizes on Tuesday last, in which he used the following language:—

> "It is now some years since I presided as Judge in this Court, and on my return I am very glad to say that, so far at all events as the number of cases to go before you for investigation is concerned of a criminal nature, they are fewer than in my experience I have known in any other county of the large extent of Wexford. There are only two cases to go before you, one a case of burglary and larceny, which is not at all of a serious nature, and another is a Post Office prosecution. They are the only bills to be laid before you, and I have no doubt you will easily dispose of them, and will return them for investigation by a Petty Jury;"

whether similar declarations have been made by the other Judges at the Assizes for the past two years; and, whether, in view of these circumstances, and seeing that in the Return laid upon the Table of the House there is only one agrarian offence (a threatening letter) reported for the past six months, he can state the grounds on which County Wexford has been proclaimed?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Government could not consider the state of the County Wexford solely as exemplified by the information before the Judge of Assize. A general demoralization exists throughout this county. The proceedings connected with the Coolgreany evictions illustrate the necessity for extreme powers. In Enniscorthy, a short time ago, serious disturbances took place in carrying out the magistrates' orders when evicting some small house tenements. Serious disturbances have also occurred, from time to time, at New Ross in connection with the appointment of Vice Guardians to the Union. The shopkeepers in New Ross dare not supply goods to the workhouse, which are got from Dublin and elsewhere, to the great loss of the local people. Two hundred and sixty-two persons are suffering more or less from the effects of Boycotting. Several persons are also under police protection to preserve their persons or property from violence. Within the last four months several National League Courts are known to have been held, at which intimidatory Resolutions have been adopted. The local journals, *The People* and *The New Ross Herald*, afford frequent illustrations of proceedings of this nature.

MR. SEXTON (Belfast, W.): With reference to the statement that the charge of Mr. Justice Harrison to the Wexford Grand Jury referred solely to the cases to be tried before him, I would ask the right hon. and gallant Gentleman whether the Judge did actually in his charge go beyond the question of the cases to be tried before him, and referred to the Report of the County Inspector; and whether the learned Judge used these words—

> "As far as the Official Returns—that is, of crimes committed—are concerned, I can say that the county is in a peaceable state ?"

Was that observation made by the learned Judge or not in reference to the assertion that there was only one agrarian offence reported for six months? I have also to ask, whether the common juries of the county have failed to return verdicts of conviction; and if they have not, upon what grounds have the Government taken powers to empannel special juries and remove trials of offences out of the county?

Colonel KING-HARMAN : I specially stated that the remarks of the Judge were those quoted in the Question; and I especially stated that the Government could not consider the state of the County of Wexford solely as exemplified by the information before the Judge of Assize. I also stated that general demoralization existed throughout the county, and that there was general intimidation, so that a petty jury could hardly be expected to perform their duties, which, no doubt, they otherwise would perform if their lives and property were secure.

Mr. SEXTON : Sir, I must ask the right hon. and gallant Gentleman whether the offences of Boycotting and intimidation to which he refers are not dealt with under sub-sections 1 and 2 of Section 2 of the Act, which empowers the Government to commit the trial of these offences to two Resident Magistrates, with a power of sentence of six months' hard labour; and how, in reference to the offences of Boycotting and intimidation dealt with in Section 2, the Government hold themselves justified in proclaiming the county under Sections 1, 3, and 4 ?

Colonel KING-HARMAN : I think I have replied in my last answer, in which I pointed out that where intimidation extensively prevailed the juries might be specially expected to suffer from intimidation.

Mr. W. O'BRIEN (Cork Co., N.E.): I would ask the right hon. and gallant Gentleman, whether Mr. Justice Harrison had not precisely the same sources of information and the same means of opinion as to the state of the County Wexford as Mr. Justice O'Brien had of the state of the County Cork and County Kerry ?

Mr. W. REDMOND (Fermanagh, N.): Might I ask the right hon. and gallant Gentleman whether the disturbances to which he refers as having taken place in the town of New Ross were not caused by the disgraceful conduct of some of Her Majesty's troops stationed in that town; and, also, whether it is not a fact that further disturbances were caused by certain of Her Majesty's troops stationed in the town of Wexford, many of whom had to be placed under arrest for assaulting the police; whether it is not also a fact that the most serious outrage recently reported from the County Wexford was an outrage committed by an Emergency man in burning the house of an evicted tenant without any authority whatever to do so; and, whether it is not a fact that the state of Wexford has been brought about by brutal and bloodthirsty attacks made by Emergency men upon defenceless people and their homes ?

Colonel KING-HARMAN: I am afraid I cannot carry the hon. Member's Questions in my head.

Mr. W. REDMOND: You ought to be able to carry them in your head.

Colonel KING-HARMAN: I suppose I ought; but I cannot. I must ask for Notice. With regard to the riots in connection with the New Ross Workhouse, the first of them, if I remember aright, was that the paupers, in a body, assaulted the new Guardians; and in pursuance of the plan of persecuting these new Guardians the people were not allowed to supply the workhouse with food or anything else. I cannot trace any connection between this and the conduct of the troops referred to by the hon. Member.

Mr. J. E. REDMOND: (Wexford, N.): Would the right hon. and gallant Gentleman state the sources of his information, as of my own knowledge I know that some of it is inaccurate? Where did he get his authority for his statement about *The New Ross Herald?* There is no such paper in the County Wexford.

Mr. SEXTON : Might I ask the First Lord of the Treasury, whether he will use his influence with the Chief Secretary, who is present in the House, to induce him to answer in person Questions relating to capital matters of State policy, which the Under Secretary is unable to elucidate ?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster) : The hon. Gentleman must be aware that at the present moment the pressure upon the Chief Secretary in connection with the measure which is passing through the House, and in connection with the Amendments on the Paper, is so enormous that he is obliged to avail himself of the services of my right hon. and gallant Friend in order to answer these Questions. When the pressure is relieved he will be exceedingly glad to do everything in his power to meet the wishes of hon. Gentlemen.

CRIMINAL LAW AMENDMENT (IRELAND) ACT—PROCLAMATION OF CO. DUBLIN.

SIR THOMAS ESMONDE (Dublin Co., S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, On what grounds has County Dublin been proclaimed ?

Mr. CLANCY (Dublin Co., N.): Before the Question is answered, I beg to ask whether the Return of crime for County Dublin last quarter was a blank; whether for the previous quarter it was also a blank; whether for the quarter ending 31st December, 1886, it was also a blank; whether for the quarter ending 30th September, 1886, it contained one crime, a threatening letter; whether for the quarter before that it was also a blank; whether for the quarter before that it contained a record of but one crime, an incendiary fire, which never took place; and whether the quarter before that was also a record of only one crime; whether, as a matter of fact, there have been as many crimes committed in County Dublin in 10 years as there are in one month in a similar district of nearly the population in any part of England; and, whether the proclamation of County Dublin is due not at all to the presence of crime, but simply to the expulsion of the right hon. and gallant Gentleman the Member for the Isle of Thanet from the representation of the county ?

Mr. SPEAKER: Order, order! The hon. Member is putting his Question in a very argumentative form, and is, therefore, out of Order.

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: Dublin has been proclaimed only under those parts of the 2nd section which deal with taking forcible possession and assaults on officers of the law. The Chief Secretary, in his previous answer, has explained that Sub-section 3 may, in the opinion of the Government, very properly be part of the ordinary law.

SIR THOMAS ESMONDE: How many cases of taking forcible possession have occurred in County Dublin ?

Mr. CLANCY : Is it true that there has been a single case of the sort in County Dublin within the last 10 years ?

[No replies.]

Mr SEXTON (Belfast, W.): I would ask the right hon. and gallant Gentleman whether or no offences of the kind specified in the Proclamation have taken place in County Dublin within the memory of man; what practical objects the Government propose to themselves by transferring the trial of offences which have not been committed in the county out of the ordinary jurisdiction ?

COLONEL KING-HARMAN : I am afraid I have a good many things to answer for; but I could not answer for the memory of man. I think my answer was that the Government considered that, at the present juncture in Ireland, the sub-section might very properly be made part of the ordinary law.

SIR THOMAS ESMONDE asked whether the only offence in County Dublin was the cutting off of the tail of a landlord's cow ?

Mr. SPEAKER: Order, order!

CRIMINAL LAW AMENDMENT (IRELAND) ACT — PROCLAMATION OF KING'S CO.

Mr. MOLLOY (King's Co., Birr) asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will explain the reason for applying to King's County by Proclamation by Lord Lieutenant of the powers of the Coercion Act relating to private inquiries, summary jurisdiction, and special juries, seeing that only four agrarian offences, and no offences of intimidation, in the county are reported by the Inspector General of Constabulary in the quarter ending June last; and, whether it is alleged on the part of the Government that evidence has been withheld in any criminal cases in the county, or that jurors have improperly acquitted accused persons in any cases tried in the county?

The PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: With regard to King's County, general intimidation prevails. There are 86 persons more or less affected by Boycotting, and several persons under police protection. [*Cries of* "How many?"]

MR. SEXTON (Belfast, W.): Will the right hon. and gallant Gentleman answer the second paragraph of the Question?

COLONEL KING-HARMAN: I have given reasons for the proclamation of the county on the ground that general intimidation prevails; and I have given my reasons in a previous reply for considering that juries should be protected from intimidation.

MR. SEXTON: But, Sir, let me ask if the Government admit that the common juries in the county have not improperly acquitted any persons brought for trial, and have not improperly refused verdicts for conviction, what is the ground and object of taking powers to empannel special juries, and to remove trials out of the county?

MR. CLANCY (Dublin Co., N.): Will the Government lay on the Table of the House such information as may enable Members to judge of the meaning of the phrase "more or less Boycotting" and of "general intimidation?"

MR. R. T. REID (Dumfries, &c.): I asked a Question of this kind before. Having regard to the constant use of the term "general intimidation," of which we find no trace in the Constabulary Reports, will the right hon. and gallant Gentleman inform the House what is the ground for that phrase, and so enable us to judge for ourselves?

COLONEL KING-HARMAN: Well, Sir, it would be impossible to go into all the cases of intimidation in the King's County; but I will quote one. On Lady Bury's property, a farm was taken by a man in spite of a threatening notice warning persons not to do so. Subsequently, the man was so intimidated as to be compelled to surrender the farm, which was then offered for sale; but no one dared to take it. Attempts were made to sell the hay; but Boycotting notices were posted up, and no sale took place. Cows were then taken to graze; but the people were compelled to remove them by the action of the League.

MR. SEXTON: I have to ask again, would not the offence described have been adequately dealt with by Section 2, and why, then, does the Proclamation extend to Sections 1, 3, and 4, which have no concern with the subject?

MR. CLANCY: Will the right hon. and gallant Gentleman say how the man was intimidated?

[No replies.]

REFORMATORY AND INDUSTRIAL SCHOOLS—REPORT OF THE ROYAL COMMISSION.

SIR UGHTRED KAY-SHUTTLEWORTH (Lancashire, Clitheroe) asked the Secretary of State for the Home Department, Whether he has under his consideration the recommendations of the Royal Commission on Reformatory and Industrial Schools which reported in 1883; and, whether he can give the House any assurance that a measure based on those recommendations is being prepared, and will be introduced early next Session?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): Yes, Sir. I have considered these recommendations, and two measures dealing respectively with reformatory and industrial schools have already been prepared by the draftsman. I hope they may be introduced next Session.

SCHOOL BOARD PENSIONS BILL—LEGISLATION.

MR. KIMBER (Wandsworth) asked the hon. Member for the Evesham Division of Worcestershire, as Vice Chairman of the School Board for London, Whether he intends to proceed with the School Board Pensions Bill; and, whether it is the fact that, notwithstanding that the Bill is in terms not compulsory on existing *employés* of the Board without their assent, it is the intention of the School Board, if the Bill passes, to bring them all under the Bill by giving notice to terminate their existing engagements?

SIR RICHARD TEMPLE (Worcester, Evesham): Yes, Sir; I do intend, on behalf of the School Board for London, to proceed with the Pension Bill in the hope of its being passed into law this Session, if possible. It is the fact that, although the wording of Clause 3 of the Bill implies voluntary acceptance of the pension scheme by the existing servants of the Board, still, in its essence and in its financial basis, the scheme is compulsory upon them all, without any exception. As an employer of intellectual labour, the Board has the power after notice for specified terms to terminate the engagements with its servants. There is not, indeed, any mention of such determination in the Board's Resolutions. But in these Resolutions, which are both public and published, bearing date 5th August, 1886, it is stated that in consideration of the pensionary allowances being granted a deduction of 2 per cent shall be made from the salaries of all the servants of the Board.

MR. KIMBER asked, whether it was the intention of the Board, even if the Bill did not pass, to terminate those engagements of *employés* for the purpose of compelling them to come under the pension scheme of the Bill?

SIR RICHARD TEMPLE: In the event of the Bill not being passed, the power which I have described of terminating engagements will remain with the Board. Whether the Board shall see fit to exercise that power is a question which no man can answer, because the Board will never form decisions upon contingencies which have not yet arisen.

CIVIL SERVICE — LOWER DIVISION CLERKSHIPS.

MR. LAWSON (St. Pancras, W.) asked the Secretary to the Treasury, Whether the contemplated promotion of certain Writers to Lower Division Clerkships is to be based upon their actual performance at the present time of clerical work similar to that upon which Lower Division Clerks are employed; whether, in the interests of public economy, he would consider the advisability of filling up future vacancies in such clerkships by the promotion of Writers of admitted merit, who, although not actually engaged at the time upon the particular duties connected with the vacant clerkships, have previously performed them to the entire satisfaction of the Heads of Departments; and, whether the adoption of this method of filling vacancies, together with the substitution of boy-clerks in the places of the Writers so promoted, would result in the very large saving of over £10,000 per annum?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): With reference to the first paragraph of the hon. Member's Question, I have already on several occasions informed the House that it is in contemplation to promote a certain number of copyists to the Lower Division in accordance with the Treasury Minute of December last, subject to a proper examination of their several cases. The proposal in paragraph 2 seems to me to be opposed to the spirit of the system of examination which has been with much difficulty and after careful consideration established in the Civil Service. As regards paragraph 3, the hon. Member must be aware that it is in contemplation, as far as possible, to employ boy-clerks in lieu of Writers; but I have no data as to the saving that will be caused by their employment.

AMALGAMATED SOCIETY OF CARPENTERS AND JOINERS—LOSS OF TOOLS.

MR. LAWSON (St. Pancras, W.) asked the Secretary of State for the Home Department, Whether he is aware that the Amalgamated Society of Carpenters and Joiners paid last year about £1,500 for the loss of tools, entailing a large loss upon the Society and constant interruption of work upon the members; and whether, in the London District alone, they paid for this purpose £156 19*s.* 6*d.*; if in London an accurate inventory of the losses has been given at the police station nearest the place, according to Rules of the Society; whether his attention has been called to the paucity of convictions for robbery of tools; and, whether he will inquire into the possibility of affording more effective protection to their property, if it be left under proper precautions, at the place of their work?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The facts stated in the Question are, I believe, correct. These robberies of tools left in empty houses are very difficult to prevent. The thieves secret themselves in the house and wait till the policeman on the beat has passed before commencing operations. Empty houses are very numerous in the London District, and it is scarcely possible to keep a continuous watch on all of them; but the attention of the police has been called to the matter, and every precaution will be taken to protect property left in such places by the workmen.

ISLANDS OF THE SOUTH PACIFIC—TONGA—REPORT OF SIR CHARLES MITCHELL.

Mr. W. A. M'ARTHUR (Cornwall, Mid St. Austell) asked the Secretary of State for the Colonies, Whether he can inform the House when the Report of Sir Charles Mitchell on affairs in Tonga will be presented to the House?

The UNDER SECRETARY of STATE for FOREIGN AFFAIRS (Sir James Fergusson) (Manchester, N.E.), (who replied) said: I presented it some days ago, and I understand that it will probably be distributed on Tuesday.

POST OFFICE—THE CENTRAL TELEGRAPH OFFICE—BANK HOLIDAYS.

Mr. LAFONE (Southwark, Bermondsey) asked the Postmaster General, Whether, of the staff in the Central Telegraph Office, only 10 per cent are allowed off duty on Bank Holidays, and that, in consequence, only about half the staff have one holiday in the year, whilst the majority of Civil servants enjoy all the Bank Holidays; and, if he cannot see his way to arrange that each office shall have at least one holiday; or if this is not possible, then an equivalent in pay?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): In reply to the hon. Member, I have to say that the proportion of telegraphists released from duty on Bank Holidays is frequently even less than 10 per cent, and I regret that it does not appear to be possible to arrange otherwise. The question of giving an equivalent in pay to those officers who cannot be released has been more than once under consideration; but Her Majesty's Government has not up to the present time been able to authorize the payment. It must, I fear, be regarded as one of the conditions of the employment of a telegraphist that he is liable to be called upon to work on Bank Holidays.

Mr. LAFONE asked, whether it was not a fact that the duties of telegraphists had largely increased since the introduction of the 6*d*. rate and no increase of pay granted?

Mr. RAIKES said, the duties of the staff had largely increased; but so had the numbers.

MERCHANT SHIPPING—DANGERS OF THE RED SEA.

Mr. LAFONE (Southwark, Bermondsey) asked the Under Secretary of State for Foreign Affairs, If the Government is aware that in about latitude 14° 24' N., longitude 42° 42' E., right in the middle of the fair way in the Red Sea, on the track over which some 300 vessels pass per month, there lies a hidden rock on which two steamers have been wrecked within the last seven months; and, if they are taking steps, or know of steps being taken, to blow up this rock, or to define its position, either by buoys or otherwise, in order to prevent further casualties?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): The Admiralty have already sent two surveying vessels to find the alleged danger; and although they had made diligent search in the places indicated by the masters of two vessels which are stated to have struck on it they can find only deep water and no indication of a rock. The Admiralty and the Board of Trade are now considering what further steps can be taken to find the rock, or to satisfy the Mercantile Marine that there is no rock at the spot indicated.

THE ECCLESIASTICAL COMMISSIONERS—THE EXCELSIOR CLUB, SHIRLAND ROAD, PADDINGTON.

Mr. LAWSON (St. Pancras, W.) asked the right hon. Baronet the Member for South-West Essex, Whether the attention of the Ecclesiastical Commissioners has been drawn to an indignation meeting of the members of the Excelsior Club, Shirland Road, Paddington, and others, to protest against—

> "The action of the Ecclesiastical Commissioners who have given legal notice of their intention to immediately evict the members and close the club, under a pretext that the land on which the club premises are built was not let for the purposes of a club but for a private house;"

whether 39 residents only in the locality are against the general opinion of their neighbours; and, if he can state the grounds on which this action has been taken?

Sir HENRY SELWIN-IBBETSON (Essex, Epping): The Commissioners had not, until this Notice in Parliament, any knowledge of the incident referred to, nor, indeed, of the existence of the Excelsior Club. The premises constitute part of the "Paddington Estate," which is held on a perpetually renewable lease under a Private Act of Parliament passed in 1795, and the lessees have the general management of the property.

IRISH HISTORY AND ANTIQUITIES—THE LIBER ALBUS AND LIBER NIGER, &c.

Mr. MAC NEILL (Donegal, S.) asked the Secretary to the Treasury, Whether the Government will take any steps to facilitate the publication of a series of documents, Liber Albus and Liber Niger, &c., illustrative of early Irish history, prepared by Mr. Gilbert, the eminent Irish historian, the publication of which, in the Rolls Series, has been recommended by the late Sir Edward Sullivan, when Master of the Rolls in Ireland, and the present Master of the Rolls?

The SECRETARY (Mr. Jackson) (Leeds, N.): I understand that the amount provided this year for the publication of historical documents is not more than sufficient to carry on works already undertaken, so that it would be impossible to take up the works referred to in the Question this year. I hope that the whole question of these publications will be considered before the Estimates for 1888-9 are prepared; and, in that case, I have no doubt the claims of the Irish documents referred to would be considered with others.

POST OFFICE—NEW BUILDINGS—THE COLDBATH FIELDS PRISON SITE.

Captain PENTON (Finsbury, Central) asked the Postmaster General, Whether he has yet selected the site for the new buildings, in connection with the Post Office, which it is proposed to erect on part of the present site of the disused Coldbath Fields Prison; and, how much of the ground will be required for the purpose?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): Considering how desirable it is to obtain a large area for Post Office work towards the northern railway termini, I have been in communication with the Treasury, with a view of obtaining part of the site of Coldbath Fields Prison; and, although the matter is not yet settled, I hope that at least half will be appropriated for that purpose.

WALES — THE TITHE AGITATION — THE ROYAL COMMISSION AT CONWAY.

Mr. STUART RENDEL (Montgomeryshire) (for Mr. T. E. Ellis) (Merionethshire) asked the Secretary of State for the Home Department, Whether his attention has been called to the refusal of the Chief Constable of Flintshire, when examined at the Tithe Commission at Conway, to give the name of a man against whom he brought some charge, because he understood from the Chief Constable of Denbighshire that legal proceedings would be taken against some persons engaged in the Mochdre affair; and, whether witnesses who volunteer to give evidence are to be exposed to the liability of being prosecuted after their evidence has been given at the invitation of the Government Tithe Commission?

Mr. STANLEY LEIGHTON (Shropshire, Oswestry) asked, whether it had been decided that other tithe disturbances had been excluded as beyond the scope of the inquiry?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.), in reply, said, he could not answer the last Question. As to the other question, voluntary evidence by no means exempts a person from prosecution.

ALLOTMENTS BILL.

In reply to Mr. Cobb (Warwick, S.E., Rugby),

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster) said: It is impossible yet to make arrangements as to the Allotments Bill; but we shall endeavour to bring it forward at an hour when it can be adequately discussed. It is our intention to pass it into law this Session.

THE ANGLO-EGYPTIAN CONVENTION —THE PAPERS.

In reply to Mr. BRYCE (Aberdeen, S.),

The UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir JAMES FERGUSSON) (Manchester, N.E.) said, he hoped the Papers would be in the hands of Members next week; but owing to Bank Holiday, which was a very sacred day, he feared it would be Wednesday.

AGRICULTURAL DEPARTMENT—THE HESSIAN FLY.

In reply to Major RASCH (Essex, S.E.),

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS) (Birmingham, E.) said, that the Government were fully alive to the importance of the question, and would carefully consider the suggestion made by the hon. and gallant Gentleman as to the destruction of the straw and compensation to the farmers. The whole question of dealing with the Hessian fly by the most effectual means would be closely considered.

LAW AND POLICE (METROPOLIS)—ARREST OF MISS CASS.

MR. ATHERLEY-JONES (Durham, N.W.) asked, When the Report of the Chief Commissioner with regard to the inquiry into the case of Miss Cass would be published, and when the action of the Lord Chancellor with reference to Mr. Newton would be known; also, whether there was any truth in a statement which had appeared in the Press, to the effect that the Government had provided the necessary funds for the defence of Miss Cass before the Commissioner?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I have no personal objection to the publication of the Report of the Commissioner, if I find it can be published without doing legal injury to individuals. On that point I must consult the Law Officers. I have no knowledge as to what action the Lord Chancellor may have taken with regard to Mr. Newton, or as to his decision. There is no truth whatever in the rumour that the legal expenses of Miss Cass in the course of the inquiry were furnished by the Government.

DISTRESSED UNIONS (IRELAND) BILL.

MR. DILLON (Mayo, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, as to the course he definitely intended to take with reference to the Distressed Unions (Ireland) Bill.

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.) said, he was anxious, as he had always been, to press on this Bill; but the hon. Member had put down a Notice which made it impossible to bring on the Bill after half-past 12. Under those circumstances, he did not see how at present it was possible to go on with the measure.

IRISH LAND LAW BILL.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.) said, he wished to ask a Question as to the Notice which had been issued that Members could have their Parliamentary Papers forwarded to them through the post free—whether the Government seriously intended to press the Irish Land Bill through the House as they did the Criminal Law Amendment (Ireland) Bill; or whether they meant to drop it in the event of protracted discussion?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): The hon. Gentleman has been for some time in the House, and I am surprised that he should put this Question to me. He ought to be aware that the Government are in no way responsible for the Notice to which he refers. As to the Irish Land Law Bill, I can only say that it depends on hon. Gentlemen in this House whether it is passed or not.

SIR GEORGE CAMPBELL: I am one of those who think it ought to be passed; and I beg to give Notice that as this 4th clause has been under discussion for four days, if somebody else does not shortly move that the whole clause be added to the Bill, I shall do so.

MR. ANDERSON (Elgin and Nairn) asked the Under Secretary of State for Foreign Affairs, Whether he had read the statement which appeared in that morning's *Daily News* from an eye-witness regarding the shooting of a British sailor by a Spanish Custom House officer at Bilbao on the 17th of July; whether he could say if the facts mentioned in that letter were correct;

and, if not, would he give all the information the Government had on this matter?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): The passage quoted by the hon. Member is similar to the report which appeared last week in *The Standard*, and with reference to which I have answered several Questions. It is impossible to pronounce any positive opinion upon the case until the result of the formal inquiries by the Spanish Authorities is known. There is no doubt that the unfortunate man was in liquor at the time of the occurrence. The Custom House armed guards asserted that he had threatened the sentries, and that the shot was fired by one of them in self-defence. Other witnesses declared that the act was quite unnecessary. None of the witnesses before the Consul mention the incident of the cigarette. The House will, I hope, be content to await the result of the inquiry, which will be carefully watched by Her Majesty's Minister and Consul.

ORDERS OF THE DAY.

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IRISH LAND LAW BILL [*Lords*].

[BILL 308.]

(*Mr. A. J. Balfour.*)

COMMITTEE [*Progress 28th July.*]

[FIFTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

Amendments of General Application.

Clause 4 (Substitution of a written notice for execution of an ejectment).

MR. O'DOHERTY (Donegal, N.): In rising to move an Amendment which appears on the Paper in the name of my hon. Friend the Member for North Roscommon (Mr. O'Kelly) I wish to call the attention of the Committee to the fact that this is a departure from the usual policy of the Government, who, when they cannot substitute anything more favourable to the landlord, demand that the existing law shall apply, but who, when the Act is supposed to be favourable to the tenant, change the rule. That was illustrated forcibly last night by the arguments of the Government in regard to the franchise; and precisely a similar state of affairs arises on this Amendment. The law, as it stood in regard to caretakers in Ireland under the Act of 1860, and the law as it now stands, compels the landlord to go to the Petty Sessions before he can take the necessary steps. Before he can put a man out of the holding it is necessary for him to pay the expenses of removing the goods; and it puts a kind of penalty on eviction. But what do the Government propose to introduce into the existing law? By this clause it is provided that evictions shall be carried out at the expense of the ratepayers and the country, and the landlord can compel the Sheriff to go to the holding with a *posse comitatûs* and turn the tenants out, and, if the Sheriff is too busy, he may send the bailiff with a body of police. And that is not all; because it is further provided that all the expenses shall be paid by the evicted tenant.

THE CHAIRMAN: Order, order! I wish to learn what Amendment the hon. Gentleman intends to propose.

MR. O'DOHERTY: I propose to move to leave out—

> "And in the case of proceedings being taken under the 86th section of the Landlord and Tenant Law Amendment Act (Ireland), 1860, for the removal from possession of such caretaker, the justices may, at the request of the landlord or owner of the premises, issue the warrant mentioned in such section to the sheriff of the county in which the premises are situated, instead of to the special bailiff mentioned in the section, and such warrant shall be a sufficient authority to the said sheriff, his under sheriff or bailiff, to enter upon the said premises with such assistants as he shall deem to be necessary, and give possession accordingly; and he shall be under the same obligation to execute such warrant, and shall be entitled to the same fees and allowances, as if the warrant were a civil bill decree in ejectment."

The Amendment includes the whole of the latter portion of the sub-section.

THE CHAIRMAN: The hon. Member, in his observations, was referring to the latter part?

MR. O'DOHERTY: I was dealing with the general effect of the Bill; and I want to explain to the Committee what change in the existing law was proposed by the Government, who are said to be legislating on the side of the tenant. They propose to change the entire machinery for carrying out evictions. That machinery is put in motion at the expense of the landlord, and, at the present moment, if the landlord desires to make use of the public machinery provided for dealing with the case of an ordinary tenant, the entire expense of the ejectment is cast upon him. Under the present clause, however, the public machinery will not be brought into operation except at the cost of the tenant himself and of the public. I do not think it is necessary that I should go into details, because the whole question is dealt with by subsequent Amendments, and I only want to put the matter in a general way. I have explained the purport and effect of the Amendment which I ask the Committee to adopt. The Amendment leaves the landlord to his remedy, because the caretaker is provided for by the existing law; and I ask the Government to adhere to their policy, that whether they make a change, and propose to give a different status either to the landlord or to the tenant, it shall not be done in the interest of the landlord alone. All through the Bill it will be found that wherever a provision is introduced for changing the status of either party, if the existing law is favourable to the landlord it is left as it is, whereas if it is favourable to the tenant it is proposed to be changed. We are constantly told that this is not a Bill for changing the general law of Ireland. I am altogether sick of that argument, which we have heard so often; and, without further preface, I beg to move, in line 29, to leave out all the words of the sub-section, after "rent," to the end of line 41.

Amendment proposed, in page 3, line 29, to leave out all the words after "rent," to the word "ejectment," inclusive, at end of line 41. — (*Mr. O'Doherty.*)

Question proposed,

"That the words 'and in the case of proceedings being taken under the 86th section of the Landlord and Tenant Law Amendment Act (Ireland), 1860, for the removal from possession of such caretaker, the justices may, at the request of the landlord or owner of the premises, issue the warrant mentioned in such section to the sheriff of the county in which such premises are situated, instead of to the special bailiff mentioned in the section, and such warrant shall be a sufficient authority to the said sheriff, his under sheriff or bailiff, to enter upon the said premises, with such assistants as he shall deem to be necessary, and to give possession accordingly; and he shall be under the same obligation to execute such warrant, and shall be entitled to the same fees and allowances, as if the warrant were a civil bill decree in ejectment,' stand part of the Question."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The machinery provided for carrying out the warrant is precisely what has been stated by the hon. Member; but what is proposed by this section is that there should be an alternative process. I may tell the Committee at once that the provisions in regard to the carrying out of the warrant are all regulated by the Act of 1860, and they are provisions which put within narrow limits the time within which it is possible to carry out the decision of the Court. The warrant, when it is issued by the Justices, cannot be executed for seven days, and it must be executed within 14 days, so that, as the Committee will see, there are really only seven days for the execution of the warrant, and consequently the limit of time within which it is possible to execute one of these warrants is extremely small, and if warrants are to be resorted to on a large scale, there will be considerable difficulty in enforcing them, especially if there happens to be any disturbance in the district, and there is any difficulty in getting special men to carry the warrants into execution. Accordingly, we propose that special bailiffs may be employed, but in substitution of these special bailiffs the magistrates may direct an order to be sent to the Sheriff. The Amendments on the Paper appear to show a desire on the part of hon. Members below the Gangway to confine the issue of the warrant to the Sheriff himself; but I need not tell the Committee what the effect of limiting the warrants to the Sheriff would be. It is well known that there is only one Sheriff for each county, although there is a Sub-Sheriff and assistants. These officials, however, cannot be in several places at once. Only seven days are allowed for the execution of these particular warrants. In the case of an ordinary judgment for ejectment it can be executed after a long lapse of time; and if there are 20 or 40 ejectments to be carried out, the Sheriff can make all the necessary arrangements for executing them, and even, when necessary, call in the assistance of the military. Every single warrant for putting out a caretaker is now proposed to be addressed to the Sheriff of the county, and the process must be executed within the second seven days of the issue of the warrant, or else the entire validity of the procedure is destroyed. It appears to me that the provisions inserted here are reasonably fair, and that they are necessary to be adopted. Further, they are in no way intended to prejudice the position of the caretaker. Unless this change is made, if there are a number of warrants, it would be impossible to execute them within the statutory time. Every warrant against every caretaker has at present to be executed by the Sheriff and his assistants, whether the county is in a disturbed state or not, and whether there is any difficulty in carrying out the process or not. If we continue to direct the Sheriff to execute the warrants, I think it will be impossible to work the section at all. Of course, I am dealing with the Amendments on the assumption that the principle of the 4th clause is adopted and that the Amendments are not directed to the rejection of the clause altogether.

MR. DILLON (Mayo, E.): This Amendment of the law to which the clause relates is one which was introduced into the Bill in the House of Lords. The right hon. and learned Attorney General for Ireland has not given the Committee the slightest intimation as to why the law has been altered at all. It is proposed that the warrants shall be issued to special bailiffs, and the whole of the speech of the right hon. and learned Gentleman was directed, not to the Amendment now before the Committee, but to an Amendment which appears in the name of the hon. Member for South Kilkenny (Mr. Chance) lower down on the Paper. He said nothing about issuing the warrants to special bailiffs, nor did he explain why there should be any alteration of the law. The simple object of the present Amendment is to leave the law as it stands, and in answering our proposition, the right hon. and learned Attorney General has not advanced a single argument against the law as it stands, nor has he pointed out a single inconvenience which attends the operation of the law of the country. On the contrary, he has devoted the whole of his speech to an attempt to prove that if all the warrants are directed to the Sheriff it may be inconvenient to execute them. We are told that this Bill will have the effect—and I hope sincerely it may have—of putting an end, practically, to evictions in Ireland on a large scale. It is unfortunate, then, to hear the right hon. and learned Attorney General talk of military arrangements, which would seem to imply that he contemplates an enormous number of evictions. That is the only ground on which an alteration of the law can be defended —namely, the supposition that after the Bill has been passed into law so enormous will be the evictions in Ireland that the Sheriff will find it impossible to carry them out within a reasonable limit of time.

MR. GIBSON: I do not contemplate anything of the kind.

MR. DILLON: We know that the Sheriffs of Ireland are never troubled except in respect of evictions. The only inference must be that after the passing of the Bill the country will be in such a disturbed state, and evictions will become so numerous that it will be necessary to make special provisions for carrying them out. There does not appear to be any other argument for this part of the clause. What I object to is that the Government are making an alteration of the law for which they have adduced no argument whatever, except that evictions will be so numerous that it will be difficult to carry them out within a reasonable time. If they are to be numerous, we are bound to be most jealous that no obstruction which is at present placed in the path of evictions shall be removed in the interest of the landlord. If there are to be numerous evictions, the greater the expense which attends the execution of them the better it will be for the Irish tenants, and it is the duty of the Irish Members to struggle to the best of their ability against the removal of every obstacle to the carrying out of evictions which the present law interposes. Up to the present time the law which this clause proposes to change has always been recognized as one of the safeguards for the tenants of Ireland. Where we have rack-rent evictions it is most desirable that the landlord shall have no facilities given to them for carrying them out, but there should rather be an inducement for him to come to a settlement with his tenants. By this clause the Government are making the process of evictions less expensive, less scandalous, and less troublesome, so that it may be resorted to in a lighter way and a more speedy conclusion come to. This is no imaginary matter, and one of the most serious objections we entertain to this clause has reference to the manner in which it is proposed to remove the obstructions now placed in the path of the landlord. I trust the Government will give some reason for making this alteration in the law, or else that they will leave the law as it stands.

Mr. O'DOHERTY: I have already pointed out that where the existing law is in favour of the landlord the Government leave it as it stands, but that where it is favourable to the tenant they propose to alter it. When we ask to have a change introduced in favour of the tenant, we are told that we must abide by the existing law. That is the form in which the Bill has been brought forward, and it appears to contain no other principle whatever. As, however, the Government offer opposition to the Amendment, and seeing that the matter will come up again later on, I beg leave to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Mr. CHANCE (Kilkenny, S.): I have to move, in page 3, line 32, to leave out "may," and insert "shall." I may point out to the Government that the acceptance of this Amendment will prevent any debate on Amendments 73, 74, and 75, and I think it is desirable that the debate should be taken on this particular Amendment. At present, before a tenant can be evicted from his hold- the eviction must be carried out by the Sheriff. I need hardly point out, even to non-legal Members of the Committee, that the Sheriff is responsible for the whole peace of the county. He has a Sub-Sheriff and assistants under him, and he is bound in a heavy sum to carry out his duties properly. He relies on the assistance he receives from the Sub-Sheriff and assistant bailiffs, who know what their legal rights are when they are engaged in carrying out evictions. The result is that where an eviction is carried out by the Sheriff, and he employs the Sub-Sheriff and his assistants, as a rule the scenes of brutality which have recently been witnessed in Ireland have not been due to the action of the Sheriff and his assistants, but to special bailiffs, who have been more or less brought upon the field by the landlord and the landlord's agent. So far as the present rights of the tenant are concerned, he is by what the right hon. and learned Attorney General for Ireland calls an ideal eviction, converted into a caretaker without being dispossessed. When he comes to be dispossessed he is got rid of by a summary procedure under the Act of 1860. That question is practically closed, as far as we are concerned, because it has already been decided by the Committee that if a landlord desires to dispossess a tenant physically when he has been degraded to the position of a caretaker, he should be entitled to use the Act of 1860 and go to the local magistrates for a warrant. I now come to another question—namely, by whom should these warrants be executed? I do not regret the course which the right hon. and learned Attorney General has taken, although it was quite irregular in the discussion of the preceding Amendment. He has pointed out certain difficulties which may arise in the execution of the warrant. He said, with undoubted truth, that the warrant issued by the Court must be issued within seven days; and he says that if that limitation is to continue, a longer period must be granted to the Sheriff or his bailiff within which the warrant may run. Having deprived the tenant of his status, the Government are now going to hand over the duty of carrying out a real and not an ideal eviction from the Sheriff, Sub-Sheriff, and his assistants, all of whom are charged with the duty of maintaining the general peace of the county, and are bound by their liability to heavy fines to do their duty properly and fairly—the Government are going to remove the execution of that duty from their hands, and transfer it to men who are termed in this clause "special bailiffs." I do not know what the words "special bailiffs" mean, but I think I know the source from which the special bailiffs are to be drawn. They are, in point of fact, the emergency men who swagger about the streets of a country town drunk, and armed with revolvers, like the man who committed murder only the other day, and then said that he had only shot the man in self-defence. It has been repeatedly stated that the Irish Members are interested in keeping up these evictions; but last night we proposed an Amendment which would have practically enabled a jury of landlords, sitting on a Petty SessionsBench, to prevent them from being carried out where they were likely to inflict a real hardship. We now propose an Amendment to enable Her Majesty's Government to prevent men of the Wood type, and especially emergency men and bailiffs, from acting in a brutal manner, by placing the duty in the hands of men who will perform it properly, and who will be inclined to act with propriety. Under this clause it is proposed that special bailiffs shall be employed—that is to say, that after the tenant has been degraded into the position of a caretaker, so far as evictions are concerned, the Government appear to doubt the prudence of their own proceeding, because they leave it absolutely to the option of the landlord how he is to apply for the warrant—whether it shall be issued to the Sheriff or enforced by special bailiffs. Now let me translate to the Committee the meaning of that. It is perfectly obvious that the Government said to themselves—"All the Irish landlords do not desire the scenes of brutality which occur at evictions, or to evict their tenants in a harsh and brutal manner by tearing down the roofs of the tenants' houses, and burning their homes. It is, therefore, desirable to enable any landlord who chooses to do so to apply that the warrant shall be issued to the Sheriff and not to special sheriffs, and in that way he will be able to escape from the clutches of the emergency men, and put the execution of his legal rights in the hands of the executive, in whom he has confidence." That is a confession of weakness—a confession from the Government that this degradation of the tenant into the position of a caretaker is a serious matter, and that they ought not to inflict upon him more than the present legal consequences of that position. What I ask now is that the Committee should shut out from the execution of these warrants all emergency men of that kind. It is obviously for the interest of the Government, and of the landlords who sit in this House, to make this concession. It can easily be done by compelling the judges to issue the warrant, in every case, to the Sheriff of the county, and it will be competent for the Committee to increase the period in which the warrant is to run. If the Government are really desirous of preventing the brutal scenes which now take place at evictions, I call upon them to accept this Amendment.

Amendment proposed, in page 3, line 32, to leave out the word "may," and insert the word "shall."—(*Mr. Chance.*)

Question proposed, "That the word 'may' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The argument of the hon. Gentleman the Member for East Mayo (Mr. Dillon), a short time ago, was that the old jurisdiction should be kept up, and that the warrants should be left to special bailiffs, and executed by them alone. The argument of the hon. Gentleman the Member for South Kilkenny (Mr. Chance) now is that the law ought to take away the execution of the warrant from the special bailiffs, and give the enforcement of the Order of the Court to the Sheriff. Now, I have already pointed out that it is impossible, if this clause is to have any operation at all, to give the enforcement of the warrant to the Sheriff. The Sheriff, as the hon. Gentleman has said, is the principal officer employed in a county to preserve the public peace, and he has one Sub-Sheriff under him, together with a certain number of bailiffs. But the Sheriff has a considerable number of duties imposed upon him by the law, and he has to execute all the judgments of the Superior Courts, not only in regard to evictions for non-payment of rent, but judgments for debt. What I have pointed out already is that in the case of ordinary judgments and ordinary decrees the Sheriff has a long time in which to make his arrangements, and to marshal them according to the different localities in which it is necessary to enforce the writs. Therefore he is put to no inconvenience when it is entrusted to him alone to enforce the ordinary decrees; but in regard to the special warrants issued against caretakers, they have only a fortnight altogether to run, and in the first week of the fortnight they cannot be executed at all. They can only be executed in the second week, so that, as a matter of fact, there are only seven days allowed for execution altogether. Consequently, if the Sheriff is directed to eject any particular person, and to carry out a special warrant, he would frequently find it impossible to do so, because he has only seven days allowed within which he can do it. [Mr. CHANCE dissented.] The hon.

Member for South Kilkenny shakes his head, but I can assure him that that is the view I take, and there appears to me to be no effective means of executing the warrants if the Amendment be accepted. As the matter is one of a very subordinate character, I hope the hon. Member will not be disposed to press the Amendment. I hope his own good sense will enable him to see that no advantage can be gained by insisting upon it.

Mr. CHANCE: I have no objection to increase the time within which a warrant may be legally executed. My only desire is to provide that the warrants shall be properly and fairly put in force, and that is a very simple object indeed.

The CHAIRMAN: Does the hon. Member withdraw the Amendment?

Mr. CHANCE: Yes.

Amendment, by leave, *withdrawn.*

Mr. MARUM (Kilkenny, N.): I have now to move, in page 3, line 40, after "allowances" to insert the words, "nevertheless payable solely by such landlord or owners of the premises." My Amendment is a very small one, and I hope the Government will not object to it. The clause provides that the Sheriff, his Under Sheriff or bailiff, shall be under obligation to execute the warrant, and shall be entitled to the same fees and allowances as if the warrant were a civil bill decree or ejectment, and the object of the Amendment is to make it clear that the landlord will have to pay the fees and allowances of the Under Sheriff or bailiff if he elects to avail himself of the executive instead of employing a special bailiff against the caretaker. The present proposal is one that is altogether of a novel character. There are now four modes provided by which the landlord can proceed. He has the ordinary writ of possession, then, at the request of the plaintiff, he can obtain a warrant upon which the baliff can act in the ordinary way; in the third place, he can appoint a special bailiff; and, lastly, there is the Common Law under which he himself can take action. Having these four special modes of procedure, if he decides upon putting the Sheriff in force, I think it is not too much to ask that the cost should not be imposed upon the tenant, but that it should be borne by the landlord himself. If instead of risking a disturbance and riot the landlord chooses to resort to the Sheriff he ought to pay for it, and he should not have the option of throwing the cost upon the tenant.

Amendment proposed,

In page 3, line 40, after the word "allowances," insert the words "nevertheless payable solely by such landlord or owner of the premises."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

Mr. GIBSON: As I understand the law costs are not imposed upon the tenant now, and it is no part of the intention of this section to throw upon the tenant costs which were not imposed before. If the landlord wishes to resort to this mode of procedure the provisions of the existing law require that he should bear the costs of the proceedings. Therefore, the words proposed to be added by the hon. Gentleman appear to me to be unnecessary. I have no objection, however, to the addition of the words if hon. Members opposite prefer it.

Mr. MARUM: I certainly think it is somewhat doubtful whether under the section, as it stands, the landlord will not be entitled to his costs. At all events, the putting in of these words would act as a check upon him, and the right hon. and learned Attorney General admits, himself, that they can do no harm.

Mr. O'DOHERTY: At present the fees are paid by the tenant, and the allowances by the landlord.

Mr. GIBSON: The only reason for making any reference to fees at all is to secure the Sheriff's right to payment. It was considered necessary to put it in for the purpose of enabling the Sheriff to recover his costs.

Question put, and *agreed to.*

Mr. O'DOHERTY: I have now to move an Amendment which stands in the name of the hon. Member for South Down (Mr. M'Cartan).

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): The Government accept that Amendment.

Mr. GIBSON: It will be necessary to make a verbal change hereafter, but we accept the substance and the spirit of the Amendment.

Amendment proposed,

In page 3, line 41, after "ejectment," insert—"Provided always, that the enactments of the eleventh and twelfth Victoria, chapter forty-seven, intituled "An Act for the Protection and Relief of the Destitute Poor evicted from their Dwellings in Ireland," shall apply to the delivering up or taking the land occupied by a caretaker under this section before the execution of any warrant for delivering up or taking possession of same."—(*Mr. O'Doherty.*)

Question, "That those words be there inserted," put, and *agreed to.*

MR. PARNELL (Cork): I beg to move the Amendment which stands in my name—that is, at the end of the clause, to add—

"Nothing in this section shall be taken or construed to restrain any landlord from proceeding on his judgment in ejectment otherwise than as herein provided, but it is hereby enacted that where a landlord elects to proceed by notice under this section, and the tenancy in the holding is determined, the holding, or any part thereof, if relet within fifteen years from such determination, shall be subject from and after the time of its being so relet to all the provisions of 'The Land Law (Ireland) Act, 1881,' which are applicable to present tenancies."

Now, the first part of this Amendment, which was drafted by my hon. and learned Friend the Member for North Longford (Mr. T. M. Healy), and would have appeared on the Paper in his name to-day but for the unfortunate proceedings which occurred last night, provides that the landlord shall have the option of proceeding under the new method proposed by this clause, or under the old method. We think it highly desirable that this option should be given to the landlord, in order to enable him to proceed under the old law, and, if he does not proceed under the old law, he will escape from the second portion of the method which adopts the provision contained in the 51st section of the Act of 1881. With reference to holdings to be resumed by the landlord at the expiration of a lease, if the landlord, *bonâ fide*, proposes to occupy the same as a residence for himself or as a home farm in connection with a residence, or for the purpose of providing a residence for someone else, it is provided that where a holding is so resumed, if it is relet to a tenant, such holding shall be subject from and after the time it may be so relet, to all the provisions of the Act of 1881. I think this is an Amendment which the Government may accept, unless they wish to take advantage of the summary procedure under this section to deprive the tenant of his status under the Land Act if the clause is used to any large extent against tenants in arrear, or to take advantage of a hanging gale against tenants who would not be ordinarily considered as being in arrear. The result will be that before the provisions of the Leaseholders' Clause—Clause 1—come into force, a large number of tenants may find themselves deprived of their title under the Act, and may be put out altogether from the legislation which this House has taken so much trouble to enact, and the effect will be that you will, in the course of next year or the year after, find it necessary to introduce another Bill for the purpose of reinstating tenants who have lost their title owing to the summary operation of this clause. The landlord, if this Amendment is adopted, will not have the same inducement he has under the clause as it now stands of pressing his tenant unfairly, or of using the clause in an unjust spirit because he will know that if he elects not to keep the holding in his own possession, after the eviction of the tenant, but to relet it, either to the evicted tenant, or to some other person, the holding, at any time within 15 years, will be subject to all the provisions of the Act of 1881. Therefore, the landlord would have every inducement to come to terms with the tenant, because he could not escape ultimately from the provisions of the Act of 1881. That is my sole object in moving this Amendment—namely, to make it less likely that the landlord will take advantage of this clause in a spirit contrary to that in which the Government have explained, on several occasions, to the Committee. If the landlord knows that, he will not be able to relet the land to anybody without incurring the liability imposed upon him by the Act of 1881 with regard to statutory tenancies. Then he will have no inducement to act unfairly, hostilely, or unjustly. The tenant, therefore, laden with arrears will get a chance of making fair terms, or of obtaining such time within which to pay the arrears as the landlord may feel disposed to give him, and so may be enabled to discharge them. Otherwise the objections to this clause will still remain in full force, notwithstanding the Amendments which have already been accepted by the Government. The Amendments which were accepted have not deprived

Member for South Kilkenny shakes his head, but I can assure him that that is the view I take, and there appears to me to be no effective means of executing the warrants if the Amendment be accepted. As the matter is one of a very subordinate character, I hope the hon. Member will not be disposed to press the Amendment. I hope his own good sense will enable him to see that no advantage can be gained by insisting upon it.

Mr. CHANCE: I have no objection to increase the time within which a warrant may be legally executed. My only desire is to provide that the warrants shall be properly and fairly put in force, and that is a very simple object indeed.

The CHAIRMAN: Does the hon. Member withdraw the Amendment?

Mr. CHANCE: Yes.

Amendment, by leave, *withdrawn.*

Mr. MARUM (Kilkenny, N.): I have now to move, in page 3, line 40, after "allowances" to insert the words, "nevertheless payable solely by such landlord or owners of the premises." My Amendment is a very small one, and I hope the Government will not object to it. The clause provides that the Sheriff, his Under Sheriff or bailiff, shall be under obligation to execute the warrant, and shall be entitled to the same fees and allowances as if the warrant were a civil bill decree or ejectment, and the object of the Amendment is to make it clear that the landlord will have to pay the fees and allowances of the Under Sheriff or bailiff if he elects to avail himself of the executive instead of employing a special bailiff against the caretaker. The present proposal is one that is altogether of a novel character. There are now four modes provided by which the landlord can proceed. He has the ordinary writ of possession, then, at the request of the plaintiff, he can obtain a warrant upon which the baliff can act in the ordinary way; in the third place, he can appoint a special bailiff; and, lastly, there is the Common Law under which he himself can take action. Having these four special modes of procedure, if he decides upon putting the Sheriff in force, I think it is not too much to ask that the cost should not be imposed upon the tenant, but that it should be borne by the landlord himself. If instead of risking a disturbance and riot the landlord chooses to resort to the Sheriff he ought to pay for it, and he should not have the option of throwing the cost upon the tenant.

Amendment proposed,

In page 3, line 40, after the word "allowances," insert the words "nevertheless payable solely by such landlord or owner of the premises."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

Mr. GIBSON: As I understand the law costs are not imposed upon the tenant now, and it is no part of the intention of this section to throw upon the tenant costs which were not imposed before. If the landlord wishes to resort to this mode of procedure the provisions of the existing law require that he should bear the costs of the proceedings. Therefore, the words proposed to be added by the hon. Gentleman appear to me to be unnecessary. I have no objection, however, to the addition of the words if hon. Members opposite prefer it.

Mr. MARUM: I certainly think it is somewhat doubtful whether under the section, as it stands, the landlord will not be entitled to his costs. At all events, the putting in of these words would act as a check upon him, and the right hon. and learned Attorney General admits, himself, that they can do no harm.

Mr. O'DOHERTY: At present the fees are paid by the tenant, and the allowances by the landlord.

Mr. GIBSON: The only reason for making any reference to fees at all is to secure the Sheriff's right to payment. It was considered necessary to put it in for the purpose of enabling the Sheriff to recover his costs.

Question put, and *agreed to.*

Mr. O'DOHERTY: I have now to move an Amendment which stands in the name of the hon. Member for South Down (Mr. M'Cartan).

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): The Government accept that Amendment.

Mr. GIBSON: It will be necessary to make a verbal change hereafter, but we accept the substance and the spirit of the Amendment.

Amendment proposed,

In page 3, line 41, after "ejectment," insert—"Provided always, that the enactments of the eleventh and twelfth Victoria, chapter forty-seven, intituled "An Act for the Protection and Relief of the Destitute Poor evicted from their Dwellings in Ireland," shall apply to the delivering up or taking the land occupied by a caretaker under this section before the execution of any warrant for delivering up or taking possession of same."—(*Mr. O'Doherty.*)

Question, "That those words be there inserted," put, and *agreed to.*

Mr. PARNELL (Cork): I beg to move the Amendment which stands in my name—that is, at the end of the clause, to add—

"Nothing in this section shall be taken or construed to restrain any landlord from proceeding on his judgment in ejectment otherwise than as herein provided, but it is hereby enacted that where a landlord elects to proceed by notice under this section, and the tenancy in the holding is determined, the holding, or any part thereof, if relet within fifteen years from such determination, shall be subject from and after the time of its being so relet to all the provisions of 'The Land Law (Ireland) Act, 1881,' which are applicable to present tenancies."

Now, the first part of this Amendment, which was drafted by my hon. and learned Friend the Member for North Longford (Mr. T. M. Healy), and would have appeared on the Paper in his name to-day but for the unfortunate proceedings which occurred last night, provides that the landlord shall have the option of proceeding under the new method proposed by this clause, or under the old method. We think it highly desirable that this option should be given to the landlord, in order to enable him to proceed under the old law, and, if he does not proceed under the old law, he will escape from the second portion of the method which adopts the provision contained in the 51st section of the Act of 1881. With reference to holdings to be resumed by the landlord at the expiration of a lease, if the landlord, *bonâ fide*, proposes to occupy the same as a residence for himself or as a home farm in connection with a residence, or for the purpose of providing a residence for someone else, it is provided that where a holding is so resumed, if it is relet to a tenant, such holding shall be subject from and after the time it may be so relet, to all the provisions of the Act of 1881. I think this is an Amendment which the Government may accept, unless they wish to take advantage of the summary procedure under this section to deprive the tenant of his status under the Land Act if the clause is used to any large extent against tenants in arrear, or to take advantage of a hanging gale against tenants who would not be ordinarily considered as being in arrear. The result will be that before the provisions of the Leaseholders' Clause—Clause 1—come into force, a large number of tenants may find themselves deprived of their title under the Act, and may be put out altogether from the legislation which this House has taken so much trouble to enact, and the effect will be that you will, in the course of next year or the year after, find it necessary to introduce another Bill for the purpose of reinstating tenants who have lost their title owing to the summary operation of this clause. The landlord, if this Amendment is adopted, will not have the same inducement he has under the clause as it now stands of pressing his tenant unfairly, or of using the clause in an unjust spirit because he will know that if he elects not to keep the holding in his own possession, after the eviction of the tenant, but to relet it, either to the evicted tenant, or to some other person, the holding, at any time within 15 years, will be subject to all the provisions of the Act of 1881. Therefore, the landlord would have every inducement to come to terms with the tenant, because he could not escape ultimately from the provisions of the Act of 1881. That is my sole object in moving this Amendment—namely, to make it less likely that the landlord will take advantage of this clause in a spirit contrary to that in which the Government have explained, on several occasions, to the Committee. If the landlord knows that, he will not be able to relet the land to anybody without incurring the liability imposed upon him by the Act of 1881 with regard to statutory tenancies. Then he will have no inducement to act unfairly, hostilely, or unjustly. The tenant, therefore, laden with arrears will get a chance of making fair terms, or of obtaining such time within which to pay the arrears as the landlord may feel disposed to give him, and so may be enabled to discharge them. Otherwise the objections to this clause will still remain in full force, notwithstanding the Amendments which have already been accepted by the Government. The Amendments which were accepted have not deprived the clause of this danger. This is a provision which cannot possibly injure the landlord if he desires to relet the land; neither can it injure him if he desires to keep the land in his own hands. I consider that it would be good policy on the part of the Government to say with regard to the letting of evicted farms in Ireland, where the tenants have been evicted under the provisions of this clause, that if these lettings do take place, the farms should recover their status, although the tenants may not do so. Otherwise you will be laying the foundation of another land question in future, and you will run the risk of having a large area of the land of Ireland struck out from the provisions of the Act of 1881. You will inevitably lay the foundation of future trouble with regard to the question of rent between the landlord and tenant which will, undoubtedly, at some time or other, necessitate further legislation. In fact the clause, as it stands, will, in all probability, undo much of the work which was done by the Act of 1881, under which the greater portion of the land held by the tenants was put under statutory conditions. By the summary operation of this clause you will free much of the land from those provisions, with the result that you will have undone the work of Parliament, and, as far as such holdings are concerned, you will have repealed the provisions of the Act of 1881. The Amendment provides that if the landlord elects to retain the land in his own hands, he will not be interfered with in the exercise of his rights in the slightest degree, but if he elects within 15 years to relet the land to a tenant—whether the old tenant or some new tenant—such tenant will be protected by the provisions of the Act of 1881. I think this is a fair Amendment—a moderate Amendment—and I should be very much surprised if the Government do not accept it. It is one which has been very carefully drawn and designed to act as a check on the wholesale portion of this clause without, in any respect, trenching upon the views which the Government have expressed. I therefore hope the Government will see their way to accept the Amendment which I now beg to move.

Amendment proposed,

In page 3, line 41, at the end, insert—"Nothing in this section shall be taken or construed to restrain any landlord from proceeding on his judgment in ejectment otherwise than as herein provided, but it is hereby enacted that where a landlord elects to proceed by notice under this section and the tenancy in the holding is determined, the holding or any part thereof if relet within fifteen years from such determination shall be subject, from and after the time of its being so relet, to all the provisions of the Land Law (Ireland) Act, 1881, which are applicable to present tenancies."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): There is one objection to the clause moved by the hon. Gentleman which, I think, will of itself be almost fatal to it in its present form, and as I do not think that it necessarily applies to the substance of the Amendment, I will mention it to the hon. Gentleman in the first place. If he will look at the wording of the clause, he will see that the effect of it is this. A landlord when he evicts a future tenant, or an accepted tenant, or a tenant on the domain lands—in other words, when the landlord evicts any tenant whatever, who is in no way at this moment under the provisions of the Act of 1881, such tenant will hereafter, under this clause, come within the scope of the Act of 1881. With respect to such tenant, I think that is a defect which the hon. Gentleman might alter, but it is fatal to the Amendment in its present shape. There are, however, objections of a more fundamental and vital character which, I think, no alteration of the Amendment would succeed in modifying. The hon. Gentleman has suggested to the House that the landlord will be given two alternative methods of procedure in eviction—namely, the method which is now in force and the method which will be in force after this clause becomes law. He proposes to drive the landlords into the first of those methods by penalizing the second. He makes no disguise that that is his object, and that being so, he is quite consistent as far as he can in trying to make it impossible to use the clause. At all events, he has frankly avowed that if we are to have this clause in operation at all it is to be merely used as an alternative, and an alternative which he wishes to make the landlord accept by penalizing the second method. Now that view, and I apprehend that it is not an unfair view to take, is contrary to the policy we have stated to the House in regard to the Bill. We have always laid before the House and the Committee that, in our view, this clause will be a distinct improvement of the existing law, not in the interests of the landlord nor in the interests of the tenant alone, but in the interests of public policy. Therefore, if you leave two courses open to the landlords, one more consistent with public policy but penalized as suggested by the Amendment, it is quite clear that you traverse the whole line of argument by which the Government have attempted to commend their view to the House. The hon. Gentleman has laid before the House the analogy of Section 21 of the Act of 1881, and it is perfectly true, as the hon. Gentleman says, that in that section of the Act of 1881 there was a provision which bears some similarity to the one which has been placed upon the Paper. But there are reasons which I think the hon. Gentleman will appreciate when I state them, why that provision was appropriate in the Act of 1881, and why it is not appropriate now. Section 21 applies to the case of a landlord who resumes his holding for purposes of occupation at the end of a lease. It refers, therefore, to the case of a landlord who has deprived his leaseholding tenant of that permanent occupation which the Land Act of 1881 gave him, and has so deprived him on the ground that the landlord wants the holding for himself for some permanent purpose. It is perfectly clear that Section 21 was introduced into the Act of 1881 in order to test the *bona fides* of the landlord. If the landlord really wanted the farm for his own occupation, it is quite clear that he would have no motive for letting it again; that it was not within his contemplation to relet it, and if he did relet it, it would be because he had abandoned the intention which was his sole excuse for resuming possession. Therefore, the analogy which the hon. Member drew between Section 21 of the Act of 1881 and the present clause will not bear a close examination. The hon. Gentleman brought forward certain arguments which, if I caught his meaning rightly, were based upon the fact that there might be a large increase of future tenants under the clause as it stands, and that it was important, on public grounds, to keep side by side present tenants and future tenants.

MR. PARNELL: I said it was important that the work done by the Act of 1881 should not be undone by the operation of this clause.

MR. A. J. BALFOUR: Let me point out to the hon. Gentleman that if he carries this Amendment he will leave side by side two methods of eviction—one of those methods being aimed at the creation of new tenants, while the other mode is aimed at the creation of present tenants. If it be an evil that there should exist side by side these two classes of tenancies, that evil would be considerably aggravated by the circumstance that the two kinds of tenancies would come into operation by a similar process of eviction. What I mean is this—you may have side by side two landlords, one of whom would use Clause 4 of the present Bill as his method of eviction, while the other would use, as his method of eviction, the mode provided by the Act of 1881. In the one case the tenant would be a future tenant and in the other he would be a present tenant. The hon. Gentleman stated just now, in answer to a question from me, that the result of the clause, as modified by the Amendment, might be to introduce an alteration of the Land Act of 1881, and in doing so it would not benefit the tenants in whose interests that Act was passed, because they are not the persons who would become present tenants by the operation of this clause. I apprehend that the Amendment of the hon. Gentleman would have that effect rather than the clause. If I understand the Act of 1881 rightly, the principle of it was that if the tenancy under that Act was really broken and brought to an end by any means, the new tenancy to be created on such land after that period would be a future tenancy, and one of the objects the Government had in drawing a distinction between present and future tenancies was, as far as they could, to lay down as a principle of public policy that free contract in land was the proper and best system to be adopted wherever it was possible. There were great reasons of State and public policy, and of justice also, which induced the Government of that day to deal with the existing tenancies of Ireland in that spirit. Where they felt bound to interfere with the freedom of contract in respect of such tenancies they laid down, at the same time, as a principle of policy, that wherever it was possible there should be a return to a more normal and natural system, and that such return should be encouraged by the Legislature. [Mr. PARNELL: No.] I believe I am not misstating the policy of the Government; but it is quite clear that if the Government adopt the principle of the hon. Gentleman they will strike another blow at it. And for what purpose will that blow be struck? What object will you gain by striking it? Will the hon. Gentleman benefit the tenants in whose interests he professes to move the Amendment? It will certainly not benefit them, because the tenants will not become present tenants by the operation of this clause. As the House is aware, it is an undoubted principle of law that a tenant who redeems during a period of six months after eviction becomes by that process a present tenant, and he resumes his ancient tenancy with all his rights undiminished. The man on whom the Government conferred all the advantage, by the Act of 1881, was not the tenant evicted, but some unknown individual — possibly some individual who may have come from America, with no previous connection with the locality and no connection with the holding. If this Amendment be carried a serious injury might be done to the tenantry of Ireland as a class, because it gives the greatest encouragement to the landlord whose tenants have been evicted not to relet his land, but to keep it in his own hands. He would keep it in his own hands in order to save it from the operation of the clause, and because if he let the land he would be penalized. There is, therefore, a clear motive to every landlord to refuse to let the land, and surely that is not a proceeding which the Committee will be able to recommend in the interests of the tenants of Ireland.

MR. PARNELL: The two first objections which the right hon. Gentleman the Chief Secretary for Ireland has brought forward against the Amendment I shall be quite willing to remove, as he has already anticipated in reference to the first objection by the insertion of words under which the Amendment will only apply to tenancies which were present tenancies before the eviction took place. And in the second instance, I am also willing to remove the objection as to giving an option to the landlord of two methods which will be contrary to the principle and policy of Clause 4. That objection would be removed by leaving out the first part of the Amendment, so as to leave only one method open under Clause 4, as is desired by the right hon. Gentleman. With regard to the question of policy, I have to say that, however desirable it may be, under ordinary circumstances, in a country in a normal state to have freedom of contract in land, that that hope has long ago been given up in regard to Ireland. There may be some lingering hope still existing in the minds of the authors of the Land Act of 1881 that it may be possible to return to freedom of contract in Ireland at some future time; but in the case of present tenancies which have ceased to be present tenancies and have become future tenancies the ordinary principle of supply and demand must be left to regulate the competition in regard to such holdings. But the whole course of events since, then, has shown that this is impossible; and in reference to Ireland, where the existence and well-being of the country and the living of the people depends upon agriculture alone, and where there are scarcely any manufacturing industries, as is the case in England and Scotland, to take off the pressure thrown upon the people, it is impossible to go back and leave the people of Ireland, who have made the land what it is, and who have given to it whatever fertility it is possible for the hand of man to give it, and throw the tenants upon the mercy of the landlord class in the future in respect of dealings in land. Therefore we protest, and have protested, against this clause, because we see in the operation of it that a very large part of the work of the Act of 1881 will be undone, and that the landlords will be free with respect to a large portion of their land from the statutory conditions which were provided by that Act. Why do not the Government agree to this Amendment if it is altered as the right hon. Gentleman has suggested it should be altered? They think that an election should be left to the landlords with the object of removing their tenants from the provisions of the Act of 1881. I have endeavoured to consider the Bill of the Government with an equal mind, and I shall be glad, when the Bill is passed, if it can be used in a fair spirit by both Parties with a desire to arrive at a mutual settlement if possible, and, of course, if that is impossible, to do the best that can be done to settle the difficulties between landlord and tenant without having recourse to the tribunals. But if the Government evict from their statutory tenancies under the provisions of this clause any large proportion of the tenants of Ireland they will entirely prevent any settlement being arrived at, and will fatally prejudice the consideration of their Land Purchase Bill when it comes on for consideration, because the essence of any settlement must depend upon the fewness of the evicted tenants. If you have a large number of evicted tenants scattered over the country with no hope of being restored to their holdings in their original status under the Act of 1881, you will have done your utmost to drive those men and their families into despair and to prevent that settlement which you profess to be so desirable. I will go further, and will say, that if it be an object to the landlords to hold out temptations to them to have large portions of the land subjected to future tenancies, released from the conditions of the Land Act of 1881, one of the strongest objections I have always taken to sweeping schemes of that kind is that such schemes have applied to the land in the landlord's own occupation, as well as land in the position of future tenancies, in addition to land in the occupation of tenants as present tenants. Now, I think it would be absolutely impossible, when the time for producing the Land Purchase Bill arrives, to include in that Bill, with any hope of fair dealing between the State and the purchasers and sellers, farmers who have been evicted under the operation of this clause, and who will have lost the conditions of statutory tenancy which would be otherwise attached to them under the operation of the Land Act of 1881. I protest against the way in which the Government are meeting the Irish Members with reference to this clause. The only two valid objections apart from abstruse questions of policy and political economy with which the right hon. Gentleman has favoured the Committee I have met. I have offered to meet the two criticisms the right hon. Gentleman has made with reference to the Amendment, and I have agreed to insert Amendments to remove those objections, but I say that when we come to the question of policy there I part company with the right hon. Gentleman, and I will add that the Government are going the shortest way to provide future difficulties for themselves in Ireland to prevent the safe and satisfactory working of this measure, and to shipwreck the Land Purchase scheme when it is brought forward.

Colonel WARING (Down, N.): I must say I heard from the hon. Gentleman (Mr. Parnell) with surprise that there are peculiarities in the soil, situation, and climate of Ireland which rendered it impossible for freedom of contract to be revived in that country.

Mr. PARNELL: I did not say anything of the kind. I was speaking in reference to the land.

Colonel WARING: Well, in reference to the land. The hon. Gentleman says that freedom of contract in land is not possible in future in Ireland. I attach no value whatever to that assertion. I can well understand that the agrarian system which has sprung up in Ireland may, in the view of some persons, interfere with the freedom of contract, and render it necessary to restrain it; but when that system is wiped away and the land is taken into the landlord's own possession, I fail to see why he should not be able to deal with his property as freely as a landlord can deal with property in any other part of the globe. It is an extraordinay circumstance that this clause should be regarded with such extreme suspicion by hon. Gentlemen opposite as to be thought to require such an extraordinary number of safeguards. One would suppose that this clause was the last new Tory pitfall for catching the unwary tenant, and luring him on to his destruction. It is nothing of the kind. The clause has existed as far back as the date of the Devon Commission, and it appears almost verbatim in the Bessborough Commission, while it was explicitly recommended in the Cowper Commission on page 73 in their Report. The Bessborough Commission in Section 43 of their Report, presented in 1880, says—

"The present period of six months allowed for redemption should be reckoned before instead of after the actual eviction, thus practically respiting the execution of the writ of possession, or of the decree for six months after the judgment in ejectment or decree to possession is pronounced."

The Devon Commission was also clear and explicit, because it said that the practice which had necessarily prevailed under the existing state of the law of actively removing tenants out of their houses was often productive of much hardship to poor occupiers, and led frequently to scenes of riot and disturbance. That Commission recommended that steps should be taken, at an early day, to revise the law of distress.

Mr. O'DOHERTY (Donegal, N.): I cannot help regarding the dream of the hon. and gallant Gentleman (Colonel Waring) in regard to the revival of free contract in Ireland as altogether utopian, and I am afraid that before it could be brought about it would be necessary to repeal the provisions of the Act of 1881. The only free contract which now exists is to get as much rent as the landlord can screw out of the tenant, and after that the tenant comes in on statutory conditions. There is no free contract in Ireland at all. When the contract is made the Court assumes that the tenant would not have entered into it without having made proper calculations; and, consequently, the moment the landlord attempts to play tricks he is met by the provisions of the Act of 1881. When a landlord demands an increase of rent from the tenant of a present tenancy, or an increase of rent from a future tenant, the tenant has the option of selling, and if the landlord then desires to go back to the old system of raising the rent these statutory conditions at once apply. There is no such thing as free contract, and there cannot possibly be. I am glad, however, that the hon. and gallant Gentleman has referred to the matter, because it is perfectly evident that there exists a dream of a future state in which free contract may prevail between landlord and tenant. That dream, however, I assure the hon. and gallant Member is altogether idle, so far as Ireland is concerned. It never can possibly occur; and, therefore, the Amendment does not affect the vital and radical change which the right hon. Gentleman the Chief Secretary attributes to it. Any man in Ireland, who at this moment takes a farm, and prefers to take it as a future tenant at its present value, is placed in the condition of the old tenant under the provisions of the Act of 1881 and 1883, and will be better able to make a living out of the farm. It is therefore useless to say that we are seeking to make a vital change in the provisions of the Bill. We are asking practically for no change whatever. All we ask is, that a man should not be made a caretaker for another man without his consent. If the landlord makes a free contract to begin with, he cannot afterwards rack-rent the tenant, and our object is to save the tenants' improvements if this Bill is to pass. I do not see that any especial preference should be given to one creditor over another creditor. The landlord can secure his rights without having kept an account, and no other creditor can. While the six months are passing, in which the tenant has time to redeem his farm, and while he is actually occupying the holding, the property might be rendered unsaleable; the landlord then quietly walks in and takes possession of the property, and what we wish now is to revive the original statutory tenancy, so as to save the tenants improvements, which would be confiscated if we pass the clause as it stands.

Mr. T. W. RUSSELL (Tyrone, S.): As far as I understand the Amendment of the hon. Member for Cork (Mr. Parnell), it seeks to take away an inducement which the landlord has to serve notices of ejectment under this section. I apprehend that that is the main purpose the hon. Gentleman has in view. On the merits of that question, I should not hesitate to say that I go a long way with the hon. Member; but the way in which the matter presents itself is this. This Amendment indirectly raises the whole question of future tenants, and really I am not able, on the 29th of July, with the Bill in its present state, to undertake the settlement of that question, nor do I think the Committee is fairly called upon to do so.

Mr. PARNELL: It only involves the case of eviction.

Mr. T. W. RUSSELL: I have stated that I should go a long way with the hon. Member if the matter were fairly raised at a time when it could be discussed and settled; but I apprehend that a fundamental change in the Act of 1881 will hardly be possible upon the point we have now reached. It may be desirable that a change should be made; but I do not believe that it is possible to make that change now, and, therefore, I hope that the Amendment will not be pressed, and that we may be able to get on to other and more serious work.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I think that if the right hon. Gentleman the Chief Secretary for Ireland really wished to curtail the limits of discussion, it was very unfortunate that he should have raised contentious matters of general policy, as he did in the latter part of his speech. We were getting on quickly and rapidly until the right hon. Gentleman raised that contentious matter. Now, it appears to me that under the Act of 1881 present tenants are the rule and future tenants the exception. I do not, however, wish to raise that question now. I myself concur with the view expressed by the hon. Member for South Tyrone (Mr. T. W. Russell), and I regret that the right hon. Gentleman the Chief Secretary did not confine himself to the first part of his speech, where he gave practical reasons for not accepting the Amendment of the hon. Member for Cork. It was altogether unnecessary for the right hon. Gentleman to raise the large question of future tenancies, which will, no doubt, be a question of trouble hereafter to Ireland. "Sufficient for the day is the evil thereof," and I hope that the Amendment will not be pressed.

MR. DILLON (Mayo, E.): I do not at all share the view of the hon. Member for South Tyrone. The object of my hon. Friend the Member for Cork in moving the Amendment was not to raise the general question of future tenants, but to deal with the case of classes of people in Ireland who, we fear, and with good reason, may be shut out from the benefits of the Act. What has been the normal history of legislation upon Irish matters? It has been an unbroken history of a system of laws by which the landlord has been dealt with leniently, and the tenant with unnecessary and harsh severity. In spite of the warnings which have come from these Benches, you have always left some persons out of your Acts. You have never passed an Act in which you did not leave some portion of the tenants to whom you did not extend relief. We now ask that you shall remove from the landlords, who are now, as I honestly believe, holding in their hands at least 10,000 ejectment decrees, a terrible temptation, and in giving them after this Act is passed power to avail themselves of a new and easy and less expensive machinery for carrying out evictions, lest they may be led into breaking every present tenancy with a view of converting present tenants into future tenants. The right hon. Gentleman the Chief Secretary for Ireland says it is notorious that in every case where the redemption is complete the tenant recovers his rights; but the right hon. Gentleman ought to know that in nine cases out of 10, where a settlement is come to, the settlement itself is made, not with a view of reinstating the tenant, but by an agreement between the landlord and the tenant, under which the tenant is never able to pay the full amount of the rent imposed upon him at all. Now, I venture to say that there is not one case in 20 where the tenant redeems by paying the full amount that is due from him. He pays what he can scrape together, or beg, or borrow, but it is never the full amount required, and, consequently, he goes back on such terms as may seem good to the landlord. The effect of allowing the clause to pass as it stands will be that you will leave from 15,000 to 20,000 tenants in Ireland, if you include all those who are hopelessly in arrear, who will be barred out of the benefits of the Act and will be entirely at the mercy of the landlords, because they will not be able to redeem, and they will be either not reinstated at all, or only be reinstated on the landlord's terms. Under these circumstances, the landlord will have a strong temptation not to settle with his tenant as an old tenant, or to reinstate him on the holding in his original condition, but to make him a future tenant. That is what we want to avoid. We want to avoid the fact that simultaneously with the passing of this Act there shall arise in Ireland a fresh grievance. Our desire is to make the Bill what it professes to be—that is to say, a temporary settlement of the Irish Land Question for the space of three years or thereabouts. But if you do not provide for these 10,000 or 15,000 tenants you will not effect even a temporary settlement. We do not touch the principle of future tenancy; we seek to save an enormous number of tenants from having their status broken, and from being turned from present tenants into future tenants, by depriving the landlords of the temptation which is offered them by this clause.

Mr. JOSEPH CHAMBERLAIN (Birmingham, W.): I think if the hon. Member for East Mayo has correctly stated the views of the hon. Member for Cork (Mr. Parnell) we ought to be in a fair way towards a settlement of this particular question. I understand him to say that the Amendment is moved in the interests of 15,000 tenants against whom decrees of ejectment have been obtained. What the hon. Member says is that the law is altered by this Bill, and that those who possess these decrees of ejectment will proceed to execute them against the tenants unless some obstacle is placed in their way, and that the Amendment is intended as an obstacle to prevent them from doing this. It seems to me that it would be better to deal with the case of these ejectments at a later stage of the Bill, and I want to see that the possessors of the ejectments shall be placed in exactly the same position as those who, after the Bill is passed, get decrees of ejectment. I understand that the Government have already, in answer to the representation I made to them, declared their willingness to deal with this matter, and that they have put an Amendment on the Paper with that intention. I do not know whether that fully carries out the intention of the Government; but surely if, when we come to Clause 22, we are told that the position of these persons will be the same as that of those against whom decrees of ejectment are obtained after the Bill is passed, the views of the hon. Member for Cork will have been met.

Mr. DILLON: I should like to know from the Government what their view of the matter is. The right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain) has slightly misunderstood me. I spoke first of those who are evicted, and next of those who are hopelessly in arrear. I am not aware of anything in the Bill which carries out the view of the right hon. Gentleman the Member for West Birmingham; but if the Government say they have an Amendment with that view to bring forward, that, of course, is another matter.

Mr. A. J. BALFOUR: I think the answer to the hon. Member for East Mayo has been given to him by the right hon. Gentleman the Member for West Birmingham. He has alluded to an Amendment on the Paper which has not caught the eye of the hon. Member, and which most clearly indicates the means which the Government suggest for dealing with this alleged difficulty. We have been given various figures, representing the number of tenants against whom decrees of ejectment have been obtained. The hon. Member mentioned first 10,000, then 15,000, and I think one of his Colleagues suggested 20,000.

Mr. DILLON: I included those who were hopelessly in arrear.

Mr. A. J. BALFOUR: I should think the hon. Gentleman has rather magnified the danger with which he proposes to deal; but, be the number small or large, I believe the Government have shown themselves not unmindful of the magnitude of the question, and if the hon. Member considers that we have gone some way in removing the difficulty, there ought not to be any in withdrawing the Amendment.

Mr. PARNELL: What I think the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain) means is that the tenants against whom decrees of ejectment have been granted, but not executed, shall be placed in the same position, with respect to this clause, as the tenants against whom ejectments have not been granted, but who may have them granted against them after the passing of the Bill. The difference between the status of those two classes appears to me to be this—that the first class of tenants can have this notice put in force against them immediately after the passing of the Act, because the month's interval will have expired before the passing of the Act, and they will be cut off from the benefit agreed to yesterday by the Government with respect to that interval. They will also be cut out of the interval, which practically amounts to another month, also agreed to by the Government as an equivalent to the duration of the Quarter Sessions. Speaking practically, there would be in most cases about a six weeks' interval with regard to tenants against whom judgments have been obtained after the passing of the Act—that is to say, between the commencement of the Sessions and the service of the notice. Now, I suppose the Government would have no objection, following the suggestion of the right hon. Gentleman the Member for West Birmingham, to agree that there shall be some equivalent provided by an Amendment to be produced on Report for the tenants against whom ejectment has already been obtained.

MR. A. J. BALFOUR: We agreed to the month's interval to avoid what appears to us to be a possible hardship. There does not appear to be the same necessity in the case the hon. Gentleman suggests as exists in the other case. This discussion would, I think, arise more conveniently on a subsequent clause, and therefore I trust it will not be thought necessary to pursue it now.

MR. DILLON: I have had just sufficient time to read the Amendment referred to by the right hon. Gentleman. I point out that unless it be read in connection with the Amendment of the hon. Member for Inverness I am afraid it would be practically useless. But the two Amendments, taken together, would go a long way towards disarming our objection to the clause.

MR. MOLLOY (King's Co., Birr): The right hon. Gentleman the Chief Secretary says that the cases of the two classes of tenants are not similar; but I would point out that these ejectments are sometimes held over for a whole year, and in some cases for much longer.

THE CHAIRMAN: I must point out that this discussion is straying altogether from the Amendment before the Committee.

MR. PARNELL: I must press the Government a little more with regard to my Amendment. I do not intend to divide the Committee; but I shall have to press the Government later on with reference to an Amendment which I shall construct to carry out the views of the right hon. Gentleman the Member for West Birmingham on this point. The month's interval was agreed to not to meet the case of ejectment sprung upon the tenant, but because the notice might be sprung upon him. And that would be so in the case of tenants against whom ejectment decrees were obtained before the passing of this Act, just as much as it would in the case of those against whom they were obtained afterwards. I trust that the Government will reconsider this matter, and put these two classes of tenants in the same position. I join with my hon. Friend in his favourable reference to the Amendment to Clause 22, which the Government have agreed to introduce, and I think much good may result from it when it is put into suitable shape.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 4, line 12, after the word "application," to leave out to the word "when," in line 19, and insert the words—"Provided that the landlord may nevertheless, if he so think fit, after such period has elapsed, by agreement with such tenant, or by accepting the arrears of rent and costs, or any lesser sum, in satisfaction thereof, reinstate such tenant in the tenancy of his holding in as full and ample a manner as he had previously thereto enjoyed it."—(*Mr. Marum.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I am ready to adopt the Amendment of the hon. and learned Gentleman, with the omission of the words—

"By agreement with such tenant, or by accepting the arrears of rent and costs, or any lesser sum, in satisfaction thereof."

The whole matter is purely one of contract and arrangement, and the retention of these words would give rise to some serious difficulties. I am willing to agree that there should be public intimation that the landlord may reinstate the tenant in his former position.

Amendment proposed to the proposed Amendment,

To leave out the words "by agreement with such tenant, or by accepting the arrears of rent and costs, or any lesser sum, in satisfaction thereof."—(*Mr. Attorney General for Ireland.*)

Amendment to proposed Amendment *agreed to.*

MR. GIBSON: I would now suggest that it would be more convenient to insert the Amendment at the end of the 1st part of Sub-section 3.

THE CHAIRMAN: For that purpose, it will be necessary to withdraw the Amendment.

Proposed Amendment, by leave, *withdrawn.*

Mr. MARUM: I propose, in line 15, to leave out the words—

> "In case such writ of restitution of possession shall be awarded, the landlord shall not be liable or accountable for any damage or injury occurring to the holding or the crops or produce thereof after the service of the note aforesaid."

I consider it to be a most objectionable principle to say that the landlord may by notice constitute the tenant caretaker. The caretaker can always leave the landlord if he likes, and the landlord can put anyone in his place. Supposing that man is not careful, there is to be no compensation to the tenant for the damage or injury which he is the cause of. It will be said that it will be to the interest of the landlord to retain the tenant to look after the crops; but, in reality, the caretaker during this period of six months is nothing more than a man who holds his farm by tenure of villeinage. Under the circumstances, I think the non-liability of the landlord is most objectionable, and beg to move the words in the clause which propose to enact it.

Amendment proposed, in page 4, line 15, to leave out all the words from "in case" to the word "aforesaid," in line 18, inclusive.—(*Mr. Marum.*)

Mr. GIBSON: It would not be just that the landlord should be exonerated from liability if he has got possession of the holding. I propose to add, after the word "aforesaid," in line 18, the words "while the holding shall be occupied by such caretaker." That, I think, will give indemnity to the landlord, and I make this alteration to show that we are willing to meet any reasonable proposal that is made.

Amendment, by leave, *withdrawn.*

Amendment proposed,

> In page 14, line 18, after the word "aforesaid," to add the words "while the holding shall be occupied by such caretaker."—(*Mr. Attorney General for Ireland.*)

Question, "That those words be there inserted," put, and *agreed to.*

On the Motion of Mr. Marum, the following Amendment made:—In page 4, line 12, after "application," insert—

> "Provided that the landlord may nevertheless, if he so think fit, after such period has elapsed, reinstate such tenant in the tenancy of his holding in as full and ample a manner as he had previously thereto enjoyed it."

Amendment proposed,

> In page 4, at end, add—"In January, April, July, and October of each year, a return shall be made showing the number of notices served under this section during each of the three preceding months in each county in Ireland, and such returns shall be at once laid before Parliament, or, if Parliament be not sitting, then within fourteen days after the commencement of the Session next succeeding."—(*Mr. J. E. Ellis.*)

Question proposed, "That those words be there inserted."

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): I do not know whether the hon. Member is anxious about this matter; but I may mention that his proposal is open to objections. In the first place, it is not usual to insert provisions for Returns in Acts of Parliament, although it was done in the Crimes Act; it is customary to leave the ordering of Returns to the action of the House. The second objection is of a practical character. The hon. Gentleman knows that Returns of evictions are now given; but it would be difficult, without new machinery, to give a Return of the notices. The present information is given by means of the police machinery; but I shall have to look into the matter to find what machinery is necessary for supplying the information desired by the hon. Gentleman.

Mr. CHANCE (Kilkenny, S.): I think it is a perfectly easy matter to get these Returns, as the clause directs that a copy of each notice must be filed in Court. We have now Returns from the Superior Courts and the County Courts of the number of ejectment decrees taken out. I understand that the object of the hon. Gentleman is to have a record of the number of tenancies destroyed; and, as the machinery of the Courts will supply this very quickly, I hope the Government will agree to the proposal.

Sir WILLIAM HARCOURT (Derby): I think this request of the hon. Member is very reasonable, and trust the Government will agree to it. The Government assert that the clause will reduce the number of evictions; so that it is only right that the people should have these Returns, so as to be able to judge of the propriety of the course taken by the Government. The notice is of the same effect as an eviction, because it destroys the tenant's right to his holding; and surely the public have a right to know the number of notices issued. The process is public, and there cannot be the slightest difficulty in furnishing the Returns asked for.

Mr. A. J. BALFOUR: The right hon. Gentleman the Member for Derby has, I think, misunderstood me. I said that the machinery for the Returns of evictions could not be applied to the Returns asked for, but that other machinery might be made to apply, and that I would look into the matter. The right hon. Gentleman said the public had a right to know what the effect of the Act would be; but I would point out that the effect of the Act cannot be ascertained from Returns of the number of notices to tenants. What it is wanted to know is, how many people do actually suffer the penalty of eviction? [Mr. Chance: It is the notice that does that.] Undoubtedly, to estimate the effect of the Act it is necessary to know the number of evictions, although it is not the only means of doing so; but I will consider what means can be used for the purpose of getting Returns of the notices. The machinery available now is most unsatisfactory and incomplete.

Mr. R. T. REID (Dumfries, &c.): I do not wish to prolong this discussion; but I remind the right hon. Gentleman of the fact that the notice under the Act is equivalent to the turning of a tenant out of his tenancy, and that after the Act is passed eviction will be no indication of the number of tenancies destroyed. The mere serving of the notice destroys the tenure.

Mr. A. J. BALFOUR: I am perfectly ready, as I have stated, to give the information asked for by the hon. Member; but I am not able, without further consideration, to state that the information will be given in an isolated form. It is not the only means which would enable us to judge of the effect of the Act; but I will consider the best way of obtaining the information which we all desire to have.

Sir WILLIAM HARCOURT: Will the right hon. Gentleman say what form he thinks it will be necessary to adopt to carry out this object?

Sir GEORGE CAMPBELL (Kirkcaldy, &c.): Surely we have a right to know the number of these notices.

Mr. A. J. BALFOUR: I have said so.

Mr. J. E. ELLIS (Nottingham, Rushcliffe): I appreciate the way in which the Government have met this Amendment. I understand that they will consider the matter, and shall not, therefore, proceed further, but ask leave to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 4, at the end of the Clause, to add—"Provided always, that a notice under this section shall not, so far as a tenancy may confer a right to be on the register of Parliamentary or other voters, be deemed to determine such tenancy."—(*Mr. Chance.*)

Question, "That those words be there inserted," put, and *agreed to.*

Motion made, and Question proposed, "That Clause 4, as amended, stand part of the Bill."

Mr. DILLON (Mayo, E.): I congratulate the Committee on the fact that we have reached the end of this clause. I do not rise to prolong the discussion; but I repeat my conviction that this clause, which is aimed at the Irish tenants, is calculated to do them very considerable injury, notwithstanding the small concessions granted by the Government. I am perfectly prepared to admit that if the later clauses of the Bill are so altered as to give justice to the tenants, our objections to it will be diminished to a considerable extent; but we are not at all satisfied or secure with regard to that. Indeed, we are very far from satisfied on the point; we do not know yet how the Bill will finally emerge from the two Houses. What I wish to say in reference to this whole question is that we who have made ourselves familiar with the history of the struggles of the Irish tenant farmers against succeeding waves of persecution, torture, and robbery, have learnt the lesson not to part with the few miserable protections left to that body until we see some security against further oppression. We have, therefore, endeavoured to induce the Government to postpone this clause until we could satisfy our minds as to whether we should be compelled to resist its provisions. It has been said that we objected to the clause because it removed part of our stock-in-trade. We were told that the clause was intended to remove the difficulty, the expense, and the public scandal which surrounds eviction at the present moment, and that the only reason for our objecting to it was that we lived by agitation, and saw our business and trade going. If any hon. Member opposite supposes that the trade or occupation of a public agitator in Ireland is an agreeable one he makes a great mistake; I should like to exchange places with him for a year, and after that exchange views with him. There is no agitator in this House so desirous as I am of seeing his trade go, for a more thankless, wearisome, and anxious walk in life I hope will never fall to my lot. But we cannot shut our eyes to the fact that this is one of the few means that have been left to us by a hostile Legislature of protecting ourselves from persecution. There never was a more ungenerous sneer than that of the hon. Member for South Tyrone (Mr. T. W. Russell) at what he called the theatricalities of hon. Members who plead the cause of the Irish tenant in this House. Where would he be if it were not for us? If we had not taken up the question, I say that his voice would not be listened to; it would have been barely tolerated on some Wednesday. Where would be the cause of the Irish tenant were it not for our exertions, which have fixed the attention of the English public on the cruelties practised in Ireland, and enabled men to come into this House to get redress for Irish wrongs? Sneer at them as you may, these political theatricalities are the chief means by which we are destroying the power of the landlords at the present time. Were it not for the power of fixing the attention of the people of the United Kingdom upon what is being done in Ireland to-day, we should be now in the same position as we occupied 10 or 12 years ago, and the prospects of the Irish tenants would be precisely the same as it was before tenant right was secured for them. People talk of what is to be done in this House. I am glad to say that a great deal has been done here. We have suffered a great loss by being deprived of the presence of one man of our Party who is best qualified to discuss this Bill; and that is one of the things which make me regret that the Government will not consent to postpone this clause. Let men who want to understand this matter, as the hon. and learned Member for North Longford (Mr. T. M. Healy) does, go back to the history of another movement, which arose in darker days than our own, and with men of brilliant gifts, who came to this House to put before you, in words more eloquent than we can command, the sufferings and wrongs of the people of Ireland. But did you listen to them? No. Their Bills were scouted and contemptuously rejected, because at that time there was no political theatricality in Ireland. That is the screw which we found out and used to put pressure on the spot where these things occur. In those days the people of England had not their consciences awakened, and the efforts of the men I speak of were crowned with failure, which resulted in the extinction and ruin of 10,000 homes in Ireland. And now I say that there are counties where 10,000 homes are standing which, but for our efforts, would have been swept away. I only make these observations in my endeavour to bring home to the minds of English Members, if possible, a true appreciation of our motives in offering a bitter opposition to this clause.

Sir WILLIAM HARCOURT (Derby): I wish I could think that there was any chance of the speech to which we have just listened reaching the ears and hearts of the Government and their supporters. That cannot, however, be expected, because the fundamental principle laid down by the Unionists—I mean such Unionists as the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen) and the noble Marquess the Member for Rossendale (the Marquess of Hartington)—is that you may deal with Ireland as you please on this condition—that you shall repudiate and disregard the opinions of Irish Members.

Captain COLOMB (Tower Hamlets, Bow, &c.): I rise to Order, Mr. Courtney, and ask what is the Question before the Committee?

The CHAIRMAN: The Question is, "That Clause 4 stand part of the Bill." The right hon. Gentleman is now in his exordium.

Sir WILLIAM HARCOURT: I have pointed out why such speeches as we have just heard are made in this House in vain. We are told when Irish Members speak on Irish affairs that it is a waste of time, and obstruction; and it is a waste of time because they are encountered by a majority whose fundamental principle it is to reject their opinions, as coming from a class of persons unworthy of being heard. I have heard language of that kind coming from men occupying a position on the Treasury Bench. The reason why I venture to say a few words on this clause is that I do not labour under the disqualification of being an Irish Member; I am much less acquainted with the subject than Irish Members are; but I am not under the ban placed upon them with reference to Irish questions. I wish, therefore, to state briefly why it is that I consider this clause to be a mistake. A great part of this Bill will, I hope, be valuable and useful to the tenants in Ireland. I think it might have been made a message of peace to the tenants of Ireland, which might have gone some way to mitigate that message of war which preceded it. It is a very great pity that you have not made this a real message of peace. You might have put in one clause for the leaseholders, another for the tenants evicted, and another to deal with arrears, and that would have made the Bill a message of peace. But you chose to put in this Clause 4, which is like the fly in the ointment. I should have thought the Government would like their Bill to be welcome to the Irish people. Why, then, do you put in a clause to which you know, at least, that the great majority of the Irish tenants object? I suppose it is because you are compelled in the interest of the landlords to put it in, as a sort of compensation for the rest of the Bill which they object to. This clause has been called "The Landlord's Handbook; or Ejectment made Easy." I know that hon. Gentlemen opposite say that it will diminish the scandal of evictions and be for the advantage of the tenant. You may think you know all about Ireland; but you may find that you know nothing at all about it. The people who know about it are those whom you have attacked and banned in and out of this House. You say that they are not fit to be associated with and not fit to be heard. Oh, yes; the right hon. Gentleman the Chancellor of the Exchequer will say they are the companions of assassins, and speak of "Parnellism and Crime," and what has happened on that subject; but depend upon it the opinion of these men is worth much more than yours, and that the English people have discovered; they are discovering it more every day, and that is the reason why they take their opinion from Irish Members and not from you. What is the character of the evil which Irish Members say this clause will create? They tell us that there is a growing restraint, which I am happy to see, upon the process of eviction in consequence of the appeals made to the conscience of the English people. Now, that is becoming a great block in the way of Irish landlords, and they want to get rid of it. That is why the clause was put into the Bill. I will just give an illustration from the English law. I remember well the right hon. Gentleman the senior Member for Birmingham (Mr. John Bright), when he was a Radical, saying that the only right which 30,000,000 of the English people had in the land which they called their own was to walk along a dusty high road. That is quite true. If a man who is not the proprietor of the adjacent land goes off the high road he commits a trespass; if a child walks into a field and picks a primrose it is a violation of the law. But the only remedy of the landlord is that he must bring an action for trespass; there will be a jury, and a good deal of money to pay, and then he will get a farthing damages. Now, if the landlords could bring an action by a paper notice served on a man, if they could fine and imprison him in that way, what a change it would make in this country! Do you think that the people of this country would endure it for a moment? You might put up any number of Attorneys General in this House to say that there was no difference made in the law; but everyone would know that the law was changed to facilitate acts of oppression. Now, that, I think, is a fair illustration of what we believe will be the effect of this clause. We believe that in the sense of shame recently evinced, and in the awakened conscience of the English people, so long seared with reference to the crimes committed in Ireland, for generations, and under which hundreds and thousands of men have unjustly suffered, we have a practical remedy against the repetition of evictions and of such scenes as have recently occurred. Now, that is the objection which is felt to this clause. It is said that under its operation the tenants will only become caretakers. There were 9,000 evictions in the last quarter; multiply that number by four and you get the number for a twelvemonth. You may deduct the caretakers; but what becomes of them after the six months allowed for redemption? What will you do with so many thousands of caretakers? Unless you can show us what will be their fate at the end of that time, you give no information as to the effect of the clause on evictions in Ireland, which is one of the cardinal points on which I have always felt we ought to be informed. The Government say that the clause is a good thing for the tenant. I do not think it is. I do not say that the Government do not sincerely believe what they say; but when I find them making this assertion, and find the Irish people and their Representatives taking an opposite view, I rather believe the latter, because they have the means of knowing. It is because we are attentive to the opinion of those who know that we think this is a dangerous clause. No doubt, we shall be told that this is a consideration which the landlords get—they get a facility for carrying out evictions without shocking anyone. But, in my opinion, this is too high a price to pay for the clause. If you facilitate evictions by removing the restrictions which at present check them, I think you are doing a very bad thing. If you facilitate evictions, you will not make a settlement—even a temporary settlement—of the Irish Land Question; nor will you, even with the help of your Coercion Bill, get peace in Ireland against the far more potent effect of this clause. For these reasons, believing that the clause is an unfortunate one for the Bill, I shall vote against it with as strong a conviction as I shall vote for the other clauses. I admit fully that the Government have made concessions with regard to the clause; but I find fault with it because of the belief entertained by those who have knowledge that it is likely to increase rather than diminish the evil of eviction. I think it would have been a far more statesmanlike course on the part of the Government to have made the Bill an unmixed boon to the tenant farmers, by omitting a clause that will render it odious to the feelings and convictions of the Irish people.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The right hon. Gentleman, whose exordium lasted a rather long time, has put a temptation in the way of those who follow him which it is extremely hard to resist. When the right hon. Gentleman says we are not sending a message of peace to Ireland, that we do not listen to Irish Members, and that we talk of the Irish Members as bands of assassins, he must know that he makes it hardly possible for us to resist the temptation of reminding him of some of his very recent speeches. But I resist this temptation. I do not wish to turn this debate into a mere question of Parliamentary repartee; I confess that I rather wish the right hon. Gentleman had followed the example of the hon. Member for East Mayo (Mr. Dillon), and kept the discussion at the level of dignity, at which I am bound to say the hon. Member for East Mayo left it. I do not admit that there is any parallel as between the offence of picking a primrose in a field and the case of a tenant holding and yet declining to pay rent for the land he occupies. The two things stand on such a different level of importance that any argument drawn from the one cannot apply to the other. Then the right hon. Gentleman attacked us for inserting this clause in defiance of the opinion of Irish Members. It is true that a large number of hon. Members from Ireland are opposed to the clause, and, no doubt, on conscientious grounds; but I remind him of a fact with which he must be acquainted, that no less than two Commissions have recommended, not this clause, but one far more drastic, far more opposed to the interests of the tenant, and far less calculated to mitigate the hardship of eviction. I turn with pleasure from the speech of the right hon. Gentleman to that of the hon. Member for East Mayo. That hon. Member delivered his remarks in a tone of earnestness which, no doubt, reflected the sincerity of his convictions. I do not think that anyone could doubt that the hon. Member gave the Committee his innermost mind; but I regret that he set the example of what I conceive to be a radical error in looking at this clause. For myself, I do not doubt the sincerity of hon. Members opposite; but I hope they will agree that we are also sincere in our desire—according to the measure of our lights—to see a satisfactory solution of the Irish Land

Question with justice to all parties concerned. I have always regretted deeply when I have seen anyone get up in this House and imply that this Irish Land Question is really a question of conflicting interests as between two Parties, and that the only way of benefiting the Irish tenant is by injuring the Irish landlord. I conscientiously believe that this is radically an erroneous method; I believe that if you could stop evictions absolutely at this moment and make it impossible for any Irish landlord to recover rent you would take but a small step, if you took any, towards producing that contentment and order which everyone desires to see established in connection with the possession of Irish land. The hon. Member for East Mayo, in common with the right hon. Gentleman the Member for Derby, seems to think seriously that a healthy and proper check to harsh evictions in Ireland is to have something in the nature of civil war wherever an attempt at eviction is made by the landlord.

MR. DILLON: Certainly not. I stated, on the contrary, that if this Amendment of the Government proved effectual for the purpose it is intended to produce, it would remove a great deal of our objection to this clause.

MR. A. J. BALFOUR: That is true. I forgot that sentence of the hon. Member; he gave us credit for motives which the right hon. Gentleman the Member for Derby did not credit us with.

SIR WILLIAM HARCOURT: I beg pardon; I said expressly that I did not attack the motives of the Government; I said I believed they were sincere, but that they did not understand the case as well as the Irish Members.

MR. A. J. BALFOUR: The right hon. Gentleman, at all events, did not do what the hon. Member for East Mayo did—namely, call attention to the Amendment on the Paper by which harsh evictions can be stopped. The difference between the right hon. Gentleman and ourselves is this—that while we think that everything which can in equity be done to prevent harsh evictions ought to be done, we do not think that the interests of public order, or of the tenants, or of the future agricultural and industrial prosperity of Ireland can be promoted, or a check be put upon harsh evictions, by the monstrous system which now prevails. It is because we believe this that we have fought for the clause at a considerable sacrifice of valuable time, and it is in accordance with that policy that we shall propose the Amendment which, with regard to a subsequent clause, we have placed on the Paper.

MR. WALLACE (Edinburgh, E.): I wish to enter my protest against the determination of the Government to reduce the process of evicting the Irish tenants to one of silence and secrecy. It seems to me a hateful thing for people to prefer darkness to light—we have high authority for believing with regard to those who do so that their deeds are evil. It has been said that this change is demanded by public policy. Well, I think it is entirely contrary to the policy of the law as we have hitherto seen it in connection with all great changes of personal status. I am appealing to notorious facts when I say that the policy of the law in this country has surrounded important changes in personal status with circumstances of publicity and solemnity, and that it has done so in no light spirit. There is no important change in personal status which is not so signalized. A man cannot be born without having the circumstance published with solemnity — without having the fact registered for the information of all. A man cannot be married without still greater publicity and solemnity, and he cannot even die without his change of being being publicly notified. He cannot be divorced, made a bankrupt or a Doctor of Laws or a criminal, or signalized in any other way, having his personal status changed, without the fact being made a matter of publicity and solemnity; and the reason for that is simply that in these changes it is felt instinctively that it is important that the power of public opinion and of the public conscience should be brought to bear on the conduct of the parties to the change, so that the changes may not occur without a full sense of the responsibility being realized by those who undertake to make them, and, further, that the public should be advertised of the exact position of the person with whom they have in future to deal. I ask, Sir, is it right that when so grave a change is to be made in personal status as the reduction of one in the position of a tenant of land to one in the position of a helpless pauper, that we should not have brought to bear upon it the power of public opinion and of public conscientious feeling which is felt to be necessary in all similar changes? And, further, is it not right that the public should be advertised fully of the change that is made in the status of one with whom they have to enter into important relations, commercial and otherwise? Why, Sir, in the course of a single night a person who was in such a position that he could be regarded by possible creditors as one with whom it would be safe to deal, because he was practically a person of substance, may be reduced to the position of one in whom they could have no proper commercial confidence, and yet they are not publicly made aware of the fact. They pass by his house in the evening, and they think of him as a person with whom it is secure to deal. They pass by his house next morning, and do not know that a silent missive has come to him entirely changing his commercial position and reliability—they do not know that this change has taken place. They see no visible change—they see the tenant in an apparent position by which they may be imposed upon, imposed upon not by the tenant intentionally, but by a new situation which has been thrust upon him by an iniquitous and unwise law. I am done, Sir, having offered my protest in this matter. I regard this as a very serious change indeed, and as a very serious change for evil.

Question put.

The Committee *divided*:—Ayes 143; Noes 111: Majority 32.

[8.20 P.M.]

AYES.

Agg-Gardner, J. T.
Aird, J.
Ambrose, W.
Amherst, W. A. T.
Anstruther, Colonel R. H. L.
Anstruther, H. T.
Ashmead-Bartlett, E.
Baden-Powell, G. S.
Balfour, rt. hon. A. J.
Banes, Major G. E.
Barry, A. H. Smith-
Barttelot, Sir W. B.
Bates, Sir E.
Baumann, A. A.
Bentinck, Lord H. C.
Beresford, Lord C. W. de la Poer
Birkbeck, Sir E.
Blundell, Col. H. B. H.
Bolitho, T. B.
Bond, G. H.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Brookfield, A. M.
Burghley, Lord
Caine, W. S.
Campbell, R. F. F.
Carmarthen, Marq. of
Cavendish, Lord E.
Charrington, S.
Clarke, Sir E. G.
Cochrane-Baillie, hon. C. W. A. N.
Colomb, Capt. J. C. R.
Commerell, Adml. Sir J. E.
Compton, F.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Cranborne, Viscount
Crossley, Sir S. B.
Davenport, W. B.
De Worms, Baron H.
Dickson, Major A. G.
Dimsdale, Baron R.
Dorington, Sir J. E.
Dyke, right hon. Sir W. H.
Egerton, hon. A. de T.
Ewing, Sir A. O.
Eyre, Colonel H.
Fergusson, right hon. Sir J.
Field, Admiral E.
Fisher, W. H.
Fitzgerald, R. U. P.
Fitz-Wygram, Gen. Sir F. W.
Fletcher, Sir H.
Folkestone, right hon. Viscount
Forwood, A. B.
Fowler, Sir R. N.
Gathorne-Hardy, hon. A. E.
Gibson, J. G.
Giles, A.
Gilliat, J. S.
Goldsworthy, Major-General W. T.
Gorst, Sir J. E.
Goschen, rt. hn. G. J.
Gray, C. W.
Hamilton, right hon. Lord G. F.
Hamley, Gen. Sir E. B.
Hardcastle, E.
Hartington, Marq. of
Heath, A. R.
Heaton, J. H.
Herbert, hon. S.
Hervey, Lord F.
Hill, Colonel E. S.
Hobhouse, H.
Holland, rt. hon. Sir H. T.
Howard, J.
Howorth, H. H.
Hozier, J. H. C.
Jackson, W. L.
Jeffreys, A. F.
Johnston, W.
Kelly, J. R.
Kenrick, W.
Kimber, H.
King-Harman, right hon. Colonel E. R.
Kynoch, G.
Lafone, A.
Lea, T.
Legh, T. W.
Lewisham, right hon. Viscount
Llewellyn, E. H.
Long, W. H.
Low, M.
Lowther, hon. W.
Lubbock, Sir J.
Macartney, W. G. E.
Macdonald, right hon. J. H. A.
Maclure, J. W.
M'Arthur, W. A.
M'Calmont, Captain J.
Madden, D. H.
Marriott, right hon. W. T.
Maskelyne, M. H. N. Story-
Maxwell, Sir H. E.
Mills, hon. C. W.
Milvain, T.
More, R. J.
Morgan, hon. F.
Morrison, W.
Mowbray, R. G. C.
Mulholland, H. L.
Muntz, P. A.
Pearce, W.
Plunket, right hon. D. R.
Plunkett, hon. J. W.
Pomfret, W. P.
Rasch, Major F. C.
Reed, H. B.
Ritchie, rt. hon. C. T.
Robertson, J. P. B.
Robertson, W. T.
Russell, T. W.
Sandys, Lt.-Col. T. M.
Sellar, A. C.
Selwin-Ibbetson, rt. hon. Sir H. J.
Smith, rt. hon. W. H.
Smith, A.
Stanhope, rt. hon. E.
Stewart, M. J.
Sutherland, T.
Tapling, T. K.
Temple, Sir R.
Thorburn, W.
Trotter, H. J.
Tyler, Sir H. W.
Waring, Colonel T.
Webster, Sir R. E.
White, J. B.
Whitley, E.
Williams, J. Powell-
Wortley, C. B. Stuart-
Wroughton, P.

TELLERS.

Douglas, A. Akers-
Walrond, Col. W. H.

NOES.

Abraham, W. (Limerick, W.)
Anderson, C. H.
Asquith, H. H.
Barran, J.
Barry, J.
Biggar, J. G.
Blane, A.
Campbell, Sir G.
Campbell, H.
Carew, J. L.
Chance, P. A.
Channing, F. A.
Clancy, J. J.
Cobb, H. P.
Colman, J. J.

Connolly, L.
Conway, M.
Corbet, W. J.
Cox, J. R.
Crawford, D.
Crilly, D.
Deasy, J.
Dillon, J.
Ellis, J. E.
Esmonde, Sir T. H. G.
Esslemont, P.
Finucane, J.
Flynn, J. C.
Foley, P. J.
Fox, Dr. J. F.
Fuller, G. P.
Gilhooly, J.
Gill, T. P.
Gourley, E. T.
Gray, E. D.
Harcourt, rt. hon. Sir W. G. V. V.
Harrington, E.
Harrington, T. C.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.
Holden, I.
Hooper, J.
James, C. H.
Jordan, J.
Kennedy, E. J.
Kenny, C. S.
Kenny, J. E.
Kenny, M. J.
Lalor, R.
Lane, W. J.
Leahy, J.
Macdonald, W. A.
Mac Neill, J. G. S.
M'Arthur, A.
M'Cartan, M.
M'Carthy, J.
M'Donald, P.
Mahony, P.
Marum, E. M.
Mayne, T.
Molloy, B. C.
Murphy, W. M.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, J. F. X.
O'Brien, P.
O'Brien, P. J.
O'Brien, W.
O'Connor, J. (Kerry)
O'Connor, J. (Tippry.)
O'Doherty, J. E.
O'Hanlon, T.
O'Hea, P.
O'Kelly, J.
Parnell, C. S.
Pinkerton, J.
Powell, W. R. H.
Pugh, D.
Pyne, J. D.
Quinn, T.
Redmond, J. E.
Redmond, W. H. K.
Reid, R. T.
Reynolds, W. J.
Roberts, J. B.
Rowntree, J.
Sexton, T.
Shaw, T.
Sheehan, J. D.
Sheehy, D.
Sheil, E.
Stanhope, hon. P. J.
Stansfeld, right hon. J.
Stevenson, F. S.
Stewart, H.
Sullivan, D.
Sullivan, T. D.
Summers, W.
Sutherland, A.
Tanner, C. K.
Tuite, J.
Waddy, S. D.
Wallace, R.
Wardle, H.
Wayman, T.
Whitbread, S.
Will, J. S.
Williams, A. J.
Wilson, H. J.
Yeo, F. A.

TELLERS.

Marjoribanks, rt. hon. E.
Morley, A.

Clause 5 (Power of surrender by middleman).

THE CHAIRMAN: The first Amendment to this clause in the name of the hon. and learned Member for North Kilkenny (Mr. Marum), which deals with the equitable re-adjustment of jointures, annuities, and charges, is out of Order and inadmissible.

MR. MARUM (Kilkenny, N.): I bow to your ruling, Sir, with regard to the first Amendment standing in my name; but I have another Amendment on the Paper to add at the end of the clause, line 18, page 6, after "thereunder" the following words:—

"And the exceptions contained in sub-sections three and four of section fifty-eight of 'The Land Law (Ireland) Act, 1881,' shall not apply to or for the purposes of this section."

I do not think, Sir, this Amendment is out of Order, as it deals with the admission of a new power of surrender.

THE CHAIRMAN: I was about to say as much. The Amendment which is admissible is at the top of page 20.

MR. MARUM: Then, I now beg to move my Amendment. I do not propose to bring my exception within the fair rent at all. My object is simply to bring the two exceptions with regard to holdings which are to be used as pasture within the powers of the clause. If a tenant holds these lands under a lease he is outside the Act, and cannot come under a fair rent at all, because his lease cannot be broken. Under the 2nd clause, where only part of the holding is sub-let, the rent for the part so let can be revised by the sanction of the Court; but if added to the holding which cannot be sub-let there can be no revision. My provision is to enable the tenant, under those circumstances, to surrender. I should like to call the attention of the right hon. Gentleman the Chief Secretary for Ireland to the economic view of the matter, and it is this—that at the time that all these exemptions with regard to pasture land were agreed to—exemptions which were regarded as preferential, and which were given by the Act of 1870, and were continued in the Act of 1881, and which it is now proposed to continue in this Act—when these exemptions were agreed to, they were quite natural, because cereals had had a great fall in price, and landlords did not want any production of cereals. These lands were, therefore, excluded. Since then, however, there has been an entire revolution in this matter. Since 1884, as we are all aware, there has been a serious depreciation in the price of cattle, owing to the introduction of meat from foreign sources, and grazing land has been brought down in value to the level of land on which cereals are grown. The result is that from the economic aspect of the question the exceptions originally made have not the force which they had in 1881. These arguments of mine might apply if I were arguing to bring this land under the Fair Rent Clauses; but I am not asking for so much as that—I am asking for a very small boon. If a fall has taken place in prices the middleman on these exempted lands will be enabled to avail himself of the Middleman Clause in order to get himself out of his liability. I think that, from an economic point of view, I am entitled to have this Amendment. There is a ruling on the subject which I should like the right hon. and learned Gentleman the Attorney General for Ireland to bear in mind. There is in the last clause of the Bill something which will effect this. The 34th clause says—

> "The expression 'holding' does not include any holding which is not agricultural or pastoral, or partly agricultural and partly pastoral in its character."

Now, there is an exception in that to the Purchase Clauses, and, in fact, it will apply to the Purchase Clauses, and you must bear in mind that the definitions contained in the Land Act of 1881 do not apply to the Purchase Clauses of the Act. There may be an error of drafting here, so that what I now propose is to add to the words of Sub-section 11, of Clause 5, the words I have read. The sub-section will then run—

> "In this section the expression 'holding' includes land held under a fee farm grant, and the expression 'rent' includes the rent payable thereunder; and the exceptions contained in sub-sections three and four of section fifty-eight of 'The Land Law (Ireland) Act, 1881,' shall not apply to or for the purposes of this section."

Amendment proposed,

> In page 6, line 18, after "thereunder," add "and the exceptions contained in sub-sections three and four of section fifty-eight of 'The Land Law (Ireland) Act, 1881,' should not apply to or for the purposes of this section."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The question which the hon. Member is dealing with is one of vast importance as affecting the general principle in the 8th section of the Act of 1881, which he rightly informed the Committee contains exceptions similar to those in the Act of 1870. We go to the very root of the Act of 1881, and it appears to me that it is impossible to tamper with these exceptions, either for a modified purpose or generally, as they involve a considerable amount of discussion. It appears to me that it would be a very undesirable thing to do that. I am wholly unable to understand why there should be favourable conditions given to large graziers, as contradistinguished from all other persons cut out from the benefits of the Act of 1881. If I were asked who should be brought under the operation of the Act of 1881, I should certainly say not the class sought to be relieved by the hon. Gentleman, and that that is not the class whose interests most urgently appeal to the sympathies of this House. I think it would be most undesirable to give the class to which he refers this benefit. In fact, it is impossible for us to consider the incidence of the exceptions to the Act of 1881—it is impossible for us to make an exception in favour of the class of graziers in whom the hon. Member seems to have an interest. If I were asked to speculate why it was this particular class was taken out of the operation of the Act of 1881, I should say it was because that class did not require protection—a class which does not spend much money on the improvement of their holdings, because grazing farms, so far as I am aware, do not involve the expenditure of capital or the consideration of tenant's improvements. These large grass farms in Ireland have very often been subject to attack from hon. Gentlemen below the Gangway. One of the first speeches I ever heard from the hon. Member for Cork (Mr. Parnell) was an interesting statement about the desirability of migrating the peasantry of certain districts in the West of Ireland to the fertile grass pastures of Meath, which he contemplated should be broken up for that purpose. But the class you would benefit by this clause, though I admit they deserve some sympathy for the fall of prices, the depreciation of stock, and the severe losses many of them have suffered, which has done much to destroy the prosperity of the country, is not a class which specially needs the protection proposed to be given by this Amendment. I would call the attention of the Committee to this fact—that in reality this Amendment is one which involves a breach of the obligations of the tenancy—of the obligations of the grass tenant. If a man holds a grass tenancy, he is outside the Act of 1881—he cannot have a fair rent fixed—and what is now suggested is that a man who has a grass tenancy, and cannot fix a fair rent, is to give under-lettings of the tenancy in breach of the substantial obligations of his tenancy, and that his under-tenants are, by reason of his breach, to have power to fix fair rents against him, so that he is to fix against the landlord fair rents in perpetuity in respect of land with regard to which he could not establish fair rents himself, and claim compensation from his landlord. When I have said that, I think I have said enough to satisfy the hon. Gentleman that, however fair and just his motive may be, it would be impossible for us to accept the Amendment. There are questions on the Paper to be discussed of a very vital character, and I think it would be very desirable if the hon. Gentleman would allow us to proceed to the discussion of those questions at once.

MR. MARUM: I will not take up any lengthened period of the time of the Committee by replying to the observations of the right hon. and learned Gentleman; but I will say this—that the latter part of his argument would apply to the Middleman Clause itself. He does the thing which the right hon. and learned Gentleman complains would be done by the grass tenant. The only exceptions they deal with are the first and fourth, all the other tenants affected being provided for under the Act of 1881. Another observation I should like to make is this—the reason I did not include any other exception was that the demesne lands may have an exceptional character, and would stand on the same footing as town holdings. Occupiers of holdings near residences which are within the Acts of 1870 and 1881 do not want to surrender their holdings. The fallacy of the right hon. and learned Gentleman's argument consists in his assuming, or, rather, in not looking to the fact, that these are exceptions. When I stood up to propose the Amendment, I imagined that it was a legal custom upon which I should address myself to the right hon. and learned Gentleman, and with which he would deal. I thought that the right hon. Gentleman the Chief Secretary for Ireland would deal with the economic question, and I did not expect the right hon. and learned Gentleman to touch upon it. On that point the right hon. and learned Gentleman has not spoken; but under all the circumstances of the case, and particularly as there are more important propositions to be brought forward with reference to town parks, in which I am more interested than I am in the subject of this Amendment, I beg leave to withdraw my Amendment.

Amendment, by leave, *withdrawn.*

Motion made, and Question proposed, "That Clause 5 stand part of the Bill."

MR. MAHONY (Meath, N.): I should like to ask one question, and it is whether the Government will in any way take into consideration the case of the middleman whose rents would be reduced temporarily?

MR. GIBSON. In the absence of my right hon. Friend the Chief Secretary for Ireland I cannot answer the question.

THE LORD MAYOR OF DUBLIN (Mr. T. D. SULLIVAN) (Dublin, College Green): I have, Sir, the following Amendment on the Paper:—Clause 5, page 6, after line 18, to add—

> "Where a person, being a present tenant, pays rent for a holding which was, prior to the passing of 'The Land Law (Ireland) Act, 1881,' sub-divided or sub-let, and has since remained openly sub-divided or sub-let, and no effectual steps have meanwhile been taken by the landlord to put an end thereto, the Court shall, on the hearing of an application by such tenant to fix a fair rent, assume that the landlord consented to such sub-letting or sub-division, unless the said landlord proves that such sub-letting or sub-division was so continued without his knowledge, and that of his agent and bailiffs, or that it came to his knowledge too late to take effective steps to put an end to it."

I understand, Sir, that you have ruled that this Amendment cannot be moved here, and that it will come in more properly at another part of the Bill. I would ask you, Sir, whether it will come in on consideration of the Government clause with reference to sub-letting?

THE CHAIRMAN: I only ruled that the Amendment was not admissible here. I do not know that it is part of my duty to point out where it is admissible.

Question put, and *agreed to.*

Clause 6 (Town parks).

THE CHAIRMAN: There is an Amendment on the Paper in the name of the hon. Member for North Meath (Mr. Mahony); but that in the name of the hon. Member for North Londonderry (Mr. Mulholland) will come before it.

Mr. MULHOLLAND (Londonderry, N.): I put this Amendment before the Committee, not with the intention of asking the Committee to enter into a long discussion of the general question of town parks, but chiefly with the object of asking the right hon. Gentleman the Chief Secretary for Ireland, or the right hon. and learned Gentleman the Attorney General for Ireland, to make a short statement to the Committee as to the intentions of the Government in relation to the other Amendments which follow mine, and which seem to me to constitute an attack upon the principle of the clause itself. The right hon. and learned Gentleman the Attorney General for Ireland has already spoken of these Amendments as large and vital ones, and I cannot but think if they were accepted by the Committee they would have the effect of confiscating large portions of the landlord's property, and would do incalculable injury to the poorer inhabitants of the towns. As I understand it, the clause of the Government is intended to define more carefully than the present law does exactly what those town parks are. But I must say that, in my opinion, further definition is unnecessary. Perhaps I may be allowed to read to the Committee the definition of town parks as it at present exists in the Land Act of 1881. Town parks are there defined as any holdings ordinarily termed town parks adjoining or near to any town, and which bear an increased value as accommodation land over and above the ordinary value of land let as a farm, and which are in the occupation of a person living in such city or town or the suburbs thereof. It seems to me that that definition is quite clear, and is quite sufficient to enable the Commissioners to bring in under the clause of the Act any real *boná fide* farm, though it may be situated close to a town. I can inform the Committee, from my own knowledge, that the Commissioners have already made full use of these powers, and that they have reduced the rent of holdings near to some of the smaller towns far below what the competition value would be. I do not propose to enter into an elaborate defence of the town park system, though I should be prepared to do so if necessary. I should prefer to leave it to the right hon. and learned Gentleman the Attorney General for Ireland to defend it when the attacks of hon. Gentlemen opposite are made. I would only urge on the Government and on the Committee either the abandonment of this clause by the acceptance of my Amendment, or, at any rate, if they are determined to persevere with it, the resistance of those Amendments which, as I said before, not only confiscate large portions of the landlord's property, but—what, perhaps, hon. Members opposite would think more important—will deprive the poorer inhabitants of the towns in future of the opportunity of acquiring land at a moderate rent.

Amendment proposed, in page 6, to leave out from line 19 to line 26 inclusive.—(*Mr. Mulholland.*)

Question proposed, "That the words 'a holding' stand part of the Clause."

Mr. DILLON (Mayo, E.): The hon. Gentleman who has just sat down asks the right hon. and learned Gentleman the Attorney General for Ireland to pronounce the opinion of the Government upon the series of Amendments which are not before the Committee, but are yet to be moved. It seems to me a most objectionable course for an hon. Member to stand up and ask the Government to commence the discussion of a clause by making a general statement as to what they propose to do with all the Amendments. How can the Government know what they intend to do until those Amendments are reached, and the hon. Members who proposed them have made their statements and placed their arguments before the Committee? I respectfully ask the right hon. and learned Attorney General for Ireland not to do anything of the sort. I would ask him to listen to the statements we have to make in favour of the Amendments. This is a subject of very great importance to the people of Ireland, and when I hear an hon. Member who has an agricultural constituency in Ireland standing up and talking about this clause, which enables the landlord to rob the tenants of some of their property, in the spirit in which the hon. Member has spoken of it, it is almost enough to make one's hair stand on end. If there is anything upon which the money of the people of Ireland has been lavished in untold sums it has been these town parks. The traders in our towns have spent enormous sums upon them. I know districts in Ireland where the traders in the towns, who are half-traders and half-farmers—traders belonging not to towns, but to what are practically country villages—I know cases, I say, where these men have held town parks which have been held by their fathers and their predecessors in title as permanent appurtenances to single houses for generations, and the facts concerning which are almost incredible. Hon. Members would not believe me if I were to tell them the sums of money which these tradesmen and their predecessors in title have spent in the improvement of these holdings. The land around some towns, or, I might say, villages, which were at first probably of little or no value, has been absolutely turned into land of considerable value in consequence of the money spent on it by these tradesmen. These people, to give the description applied to their operations by the farmers, have "nursed" the land — have lavished money on it in every conceivable way, putting any quantity of manure on it, and so on; and to say that they are not to be saved some small share of the improvements they have in this way effected is a thing I cannot understand. For us to be told that this clause is an attack on the property of the landlords is simply an abuse of language. It is a monstrous contortion of the meaning of words to say that this clause, which would seek to secure to the occupants of town parks the value of their improvements, is an attack upon the rights of landlords, rather than an attempt to secure their rights to the cultivators of the soil. There is not a shadow of ground for this Amendment. To say that because you secure in the possession of the men now occupying them these fields, that, therefore, you injure the poorer inhabitants of the towns, is simply absurd. You injure no one, but prevent injury being done to those now actually in occupation. It is only right these men should have the value of whatever improvements they have made. Anyone who desires to purchase will have an opportunity of doing so. Whether the value remains with the present holder or not, the incoming tenant would have to pay the value of these improvements under any circumstances, and the thing which the Committee should keep in mind is this—that these fields are, for the most part, attached to the residences in the towns. They are almost necessaries to the houses to which they are attached. In very many instances the town parks are essential to the occupiers' houses, in order to supply the people in these houses and their families with the milk and agricultural produce they require. The fact that these fields are necessary to these people is taken advantage of by the landlords, who tell these people that they must pay higher rents because they are on accommodation land. These people pay infinitely more than the land is worth, rather than see their children go without the milk they require.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): It is not my intention to make any general statement as to the question the hon. Member for North Londonderry (Mr. Mulholland) has addressed to me; but I think the best course would be, as we are on a very business-like part of this discussion, that we should, as soon as possible, come to the consideration of the vital Amendments on the Paper. What I would ask hon. Gentlemen to do would be to approach the consideration of practical Amendments to the clause as soon as possible. The Committee will see that it has been the object of the Government to enlarge the scope of the Act of 1881 on this subject. The Committee are aware that, in order to constitute a town park, certain requisites are essential. The holding must be near or adjoining a town, the town named, and the holding must bear increased value as accommodation land, because of its adjoining the town; and, thirdly, the land must be in the occupation of a person actually resident in the town. With regard to the second consideration—namely, that the land must bear increased value as accommodation land—hon. Members must not understand that that value is merely value by reason of proximity to the town, because all land is more valuable when near a town. The reason that land is nearer to a town than land situated five miles away is not condition enough to justify this exception; but the exception is justified by the fact that the land is accommodation land, and is accessible to the town. The object of the Government proposal is this—we do not want to dogmatize, and I think it would be very inconvenient if we did dogmatize, as to what is the exact limit of what is to be a town or what distance the land is to be from the town; but, broadly speaking, our idea has been this—that, even if the holding satisfies every condition of the Act of 1881, the Court shall be at liberty to hold that the land is not a town park, but is, in its essential character and real use, in the nature of a farm. I will tell hon. Gentlemen what I mean by that. I mean to use the general expression implying that the land is used for the purposes of agriculture. As a matter of law, whether a holding is to be a town park is to be ascertained with reference to the year 1881. If you regard a town park for the purposes of the Act of 1881 after the year 1881, hon. Members will see that that must be a future tenancy. Of course, the question does not arise in future tenancies. It was decided in a certain case with which the hon. and learned Gentleman opposite will be familiar, in the Irish Court of Appeal, whose decisions constitute the law, that all the conditions which are in definition of town parks are to be ascertained at the passing of the Act of 1881. I will explain what I mean. In the case I refer to there was a town park —about the fact there was no question. After the passing of the Act of 1881 the tenant went away from the town. I do not know where he went to; but, no doubt, the vital condition of residence in the town next the holding had ceased to exist. The question was whether, by reason of that change, the tenant ceased to be the holder of a town park, or whether he could still take the benefit of the Act of 1881. If conditions existed which, by their co-existence, took the holding out of the operation of the Act, it does appear to be absurd that by the action of one of the parties, voluntarily or involuntarily, with regard to one of the conditions, the whole operation of the Act shall be frustrated. With these preliminary observations, I venture to ask the Committee at once to approach the consideration of the very important Amendments which are on the Paper. I need not say that I shall listen very respectfully to the arguments used. At the same time, we consider the Government clause a very good one, and we could adduce powerful reasons to justify it. It constitutes, beyond doubt, a great measure of concession to the class of town park holders. I appeal to the Committee to approach at once the consideration of important Amendments.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. T. W. RUSSELL (Tyrone, S.): I entirely share the anxiety of the right hon. and learned Gentleman to get to the merits of this clause, and I think it would have tended to that end if he had advised his hon. Friend who has made the proposal now before the Committee not to move his Amendment and not to make his speech. The fact is that we have been compelled to listen to an all-round defence of the whole town park iniquity as it stands from an Ulster Member. I desire to say that the Committee will not part with this clause very easily or hurriedly after the attack which has been made upon the views of those who object to this iniquity. This is a question upon which Ulster has been convulsed ever since the Land Act was passed. The hon. Member for North Londonderry (Mr. Mulholland) says that no new definition of a town park is necessary; that there is an excellent one in the Act of 1881; and that the Commissioners have had no difficulty in construing that definition. No, Sir; they have had no difficulty in construing it, because they have simply construed every hamlet to be a town, and everything to be a town park which could possibly be made into one. So far as I am concerned, the Government may make up their minds that there will be a struggle over this clause. We admit that the clause is an improvement on that in the Act of 1881; but we desire not only that the term "town park" shall be carefully defined, but that precautions shall be taken to prevent every hamlet and cluster of cabins being included in the term "town." After the attack which has been made by the hon. Member for North Londonderry, we come upon the consideration of this matter in a revolutionary spirit; and I trust that the right hon. and learned Gentleman the Attorney General for Ireland will see his way to do something to lighten this load.

Question put, and *agreed to.*

Mr. MAHONY (Meath, N.): I beg to propose the following Amendment:—

In page 6, line 19, after "holding," insert "which is agricultural or pastoral, or partly agricultural and partly pastoral." As the Government will see, this Amendment raises the whole question of town parks. As a matter of fact, it proposes to do away with what are known as town parks, and to substitute for the present provisions dealing with town parks the provisions of the Act of 1881 as applied to ordinary agricultural holdings. Therefore, in the few observations I wish to address to the Committee, I shall endeavour to point out that the ordinary provisions of the Act of 1881 are quite capable of reserving to the landlord all the rights he ought to enjoy over what are at present excluded from the operation of the Act under the definition of town parks. It is admitted on all hands that the definition of town parks has been stretched to a most undue length. Wretched little villages of only a few cabins congregated together in one spot have been held in some instances to constitute towns.

MR. MULHOLLAND: Will the hon. Member mention one of them?

MR. MAHONY: No, I cannot mention them from memory. I do not think these very small villages have come within my experience. But I remember a very small town, a very small seaside place in Donegal called Runcrana. I do not mean to say that this was a collection of small cabins, but it was a town of very few inhabitants indeed, and I think I am correct in saying that holdings near that town have been held to be town parks. What I maintain is that the people residing in these towns and holding these town parks are subject to all the evils which it was the object of the Act of 1881 to remove. That Act was rendered necessary, in the first place, by the severe competition which existed for the land in Ireland. This House, I presume, passed the Act of 1881 because it believed that the Irish tenants were unable to protect themselves from the landlords—that the thing which is constantly being referred to under the name of freedom of contract did not exist in Ireland. Now, I maintain that freedom of contract does not exist the least bit in the world as regards these town parks. In fact, as regards the majority of these town parks, the holders of them are actually in a worse position than the ordinary tenant farmers. They are bound to one particular spot by the fact that they have, perhaps, a little shop or a little industry of some kind in the small village or town. That industry of itself is unable to support them, and they have in addition these pieces of land near the town as an extra means of gaining a livelihood. The competition for this land is much greater than it would be if the land were farther from the town. The evils of competition for land are greater in the case of town parks than they are in the case of ordinary holdings, and yet for that great evil of competition the Land Act of 1881 provides no remedy as regards town parks. Now, what would be the effect if you swept away altogether the provision as regards town parks? The holders of such of these plots of land as were proved to be agricultural in character would come into Court to have a fair rent fixed. What would the landlord lose by having that fair rent fixed? He would only lose the right to charge an unfair rent. He would get the full amount of the extra value which the land would bear owing to its proximity to the town. Now, I have very grave doubts whether he ought to get that, but there can be no question that under the Act of 1881 he would get that. He would get the full extra value which the land bore, probably, not owing to any act of his own, but owing to the industry of the inhabitants of the village near which the land lay. He would get all that free. That would be secured to him, and, as I say, the only right he would lose would be the right of charging an exorbitantly high and unfair rent. Then I might be told that the landlord may want to build upon this land, in order, in some way to increase the town or village. Well, that I take it is also provided for by the Act of 1881. During the continuance of the statutory term or tenancy, the Court may on the application of the landlord, on his representing that he is desirous of resuming the holding for a reasonable purpose having relation to the good of the holding or estate, including the use of the holding as building ground, grant a power of resumption. That is what the Act says. I want to point out that in adopting the recommendation I make, and sweeping away altogether the exclusion of town parks and allowing the rent to be fixed by the Court, the Committee would be carrying out the recommendation of certain most important witnesses on the subject. On page 528 of the Report of the Cowper Commission in the evidence of Mr. Edward Roche, one of the Court valuers, you find this answer—

> "17130. I should be in favour of admitting town parks to the benefit of the Act, the Court in fixing the rent to have regard to the fact that it is accommodation land."

We find on page 718, that even Mr. Litton, who cannot be supposed for a single moment to be favourably inclined towards the Irish tenants, in answer to question 22989, said—

> "I will deal with town parks especially. I do not bring them within all the provisions, but I would like the rents revised, and I would retain town parks in the owners hands for the benefit of the town, and not allow them to become the property of the town park holder who might immediately after leave the town. I would provide that so long as he held it, there should be no more revision for 15 years."

I admit that Mr. Litton does not go as far as I propose to go, but he admits the principle of fixing rents for all town parks without exception. Then Mr. Greer, who has been an Assistant Commissioner in Ulster during the whole period—and, I think, is an Assistant Commissioner at the present time, and Chairman of one of the sub-Committees —said in answering—

> "I am also in favour of including occupiers of town parks, and that the fair rent of a town park should be brought in evidence as to the value, the letting value of such lands as town parks or accommodation lands."

Now, my hon. Friend the Member for East Mayo (Mr. Dillon) has already alluded to the very large and substantial improvements which have been carried out on the town parks by the holders of these town parks. I am bound to say that my experience as an Assistant Commissioner enables me fully to bear out what my hon. Friend has said. I wish to impress upon the Government this one fact—there are a vast number of these town parks in Ireland—they are practically agricultural holdings, and at present are subject to all the evils which the Land Act of 1881 was intended to remedy. If you wish for a state of peace in Ireland you must give up once for all and for ever the idea that you can have anything like free contract as regards land in that country. Such a thing is impossible at the present time. So long as agriculture remains the only industry to which the people of Ireland have to turn, the competition for land will be so great, that if you try to set up free contract the only result will be that you will get back to the deplorable state of things that the Land Act of 1881 was intended to remedy. There is no reason that I can see, why you attempt to apply free contract to town parks and exclude from it ordinary holdings, because in fixing the rent under the provisions of the Act of 1881 the landlord will get full allowance for every single thing that he is entitled to. He will get allowance for the smallest increase of value that the land bears owing to its proximity to a town—the only thing he will be prevented from doing will be to charge an exorbitantly high rent. I beg to move the Amendment which stands in my name.

Amendment proposed, in page 6, line 19, after "holding," insert the words "which is agricultural or pastoral, or partly agricultural and partly pastoral." —(*Mr. Mahony.*)

Question proposed, "That those words be there inserted."

THE PARLIAMENTARY UNDER SECRETARY FOR IRELAND (Colonel KING-HARMAN) (Kent, Isle of Thanet): There are many points in the hon. Gentleman's (Mr. Mahony) speech I cannot agree with, but there is one that I can agree with. I am quite prepared to acknowledge that the definition of town parks in the Act of 1881 has led to difficulties. We must be extremely careful in dealing with this question, and I hope I shall be allowed in all honesty to say that this question does not affect me personally, as I have no town park holdings on my estate. I have, however, sufficient experience to say that if you were to hand town parks over to the present holders, you might do serious injury, not, of course, to the present owners of the town parks, but to the future occupiers of towns. Town parks are simply intended to afford accommodation for men living in towns, and I do not wish to speak of towns of 5,000 inhabitants, but of towns which may fairly be called towns. I think the injury to the inhabitants of towns will be very great if we do away with town parks altogether. Now, I do not agree with the hon. Gentleman's (Mr. Mahony) account of the way in which town parks are held. The hon. Gentleman considers that town parks afford people living in towns an extra means of gaining their livelihood. Now, a town park properly constituted is a piece of accommodation land which the shopkeepers or tradesmen of a town can use as accommodation land, and for no other purpose. A grocer, for instance, depends upon his business for a livelihood, and yet it is of great moment to him to have a piece of land in the town park on which he may be able to keep a few dairy cows and pigs. Of course, he pays hiring for the accommodation. Let us suppose that a tradesman, whether through his own fault or not, fails in his business, and gives up his premises in the town. If you give him fixity of tenure in the town holding, he becomes a small tenant outside the town with a few acres, and having no other means of subsistence, I do not say that is altogether bad, though I see there is great objection to it. Mark what the result is. The man who succeeds to the business will not succeed to the land in the town park held by the former tradesman, and he may not be able to obtain a piece of land. Let us take the case of a butcher. A good many of these town parks are held by butchers. They do their business in the town, and it is a great accommodation to them when they buy their cattle to have a field on which to turn the cattle so that they may draw them out as they require them. Now, if a butcher carrying on business in the town fails in his business, and is still able to hold his land on the town park, the man who succeeds him in his business will have no place where he can put his cattle, and therefore his business will be greatly interfered with, and, as a matter of common sense, the whole town will suffer from the inconvenience. I have no doubt that the feeling of the Committee is fairly unanimous in this matter. I know that the definition of town park in the Act of 1881 is very vague, and has been subjected to too many opinions and interpretations to be satisfactory; but, at the same time, I do maintain that the principle of town parks actually surrounding and adjoining towns is one which must be kept up for the benefit of the towns themselves. If you deprive the shopkeepers of the accommodation which they are accustomed to have, if you give fixity of tenure to those men who are now shopkeepers, you will prevent a future tradesman possessing the valuable accommodation which a piece of this land affords, and you will thus do serious injury to the towns and the business of the towns. Allow me to go a little farther. Many landlords hold in their possession parcels of land about towns which they do not want to let, or which they only wish to let temporarily; they wish to retain a hold upon the land in order that they may be able to give facilities when needful for the increasing or the developing of the town. If you now give fixity of tenure to those who are in possession of town parks, the men who have only held the land from year to year, you will prevent increase or improvement of the towns in many cases.

MR. MAHONY: That is provided for in a section of the Act to which I have referred. The section which gives the landlord power of resumption.

COLONEL KING-HARMAN: We all know what the power of resumption is. I do not want to adhere to the old definition of town parks, I should be very glad to have some fair definition; but I do trust the Committee will not take the line the hon. Gentleman has taken, and sweep away town parks, and give to every man who happens to be in possession a valuable holding near a town, which he has taken subject to a yearly rent, because that would be doing a serious injury to the town itself, and I consider an injustice to the landlord.

MR. PINKERTON (Galway): The hon. Member for South Tyrone (Mr. T. W. Russell) said he was astonished at the speech of the hon. Member for North Londonderry (Mr. Mulholland). I confess I was not astonished at this speech considering the quarter from which it came. The argument of the hon. Member for North Londonderry that this proposal of his is in the interests of the working men is simply monstrous. It is a well known fact that if you put an exceptional high value on land surrounding a town, the working men of that town must pay an exceptional high price for their milk and butter. He says that this Amendment and the following Amendment are attacks upon the principle of the clause, yet he actually proposes the entire exclusion of the clause.

What would we think of any medical man who, instead of attempting to effect the cure of a diseased limb, recommended its amputation. The right hon. and learned Gentleman the Attorney General for Ireland (Mr. Gibson) also delivered a characteristic speech. He spoke for a quarter of an hour, and what was the purport of his speech? He advocated brevity, and he then gave us a quarter of an hour of involved technicalities, leaving this matter in a greater muddle than it was before he spoke. The right hon. and gallant Gentleman the Parliamentary Under Secretary (Colonel King-Harman) occupied an unusual position to-night, and I can only explain it because, for the first time in his life, he attempted to be rigidly impartial. The reason he gave for occupying that position was a very honest and simple one indeed, he told us he had no interest in town parks. I can understand perfectly well that if the right hon. and gallant Gentleman had been interested in town parks he could have delivered a more straightforward and effective speech. The right hon. and gallant Gentleman referred to the grocers and butchers of a town, and told us that if you deprive these men of the right of occupying the adjoining fields you thereby put them in an unfortunate position.

Colonel KING-HARMAN: What I said about the butcher was that it is of advantage to him that he should have this accommodation land for the purpose of turning his cattle upon, and that if he left his business and still held to the land the business to his successor would not be as valuable as it was to him.

Mr. PINKERTON: If the right hon. and gallant Gentleman can convince me that this Amendment will have any effect upon the business of a butcher or grocer, I shall be happy to go into the Lobby with him. It is simply ridiculous that every petty village of 200 or 300 inhabitants should be termed a town, and that the landlord should be allowed to put prohibitive rents upon the fields surrounding such villages. As I have an Amendment on the Paper respecting the question of population, I will simply utter a protest against this peculiar method of hastening Business which has been adopted by the right hon. and learned Gentleman the Attorney General for Ireland and the right hon. and gallant Gentleman the Parliamentary Under Secretary to the Lord Lieutenant.

Mr. LEA (Londonderry, S.): This question of town parks has always been a vexed question. The Act of 1870 deprived the tenants of considerable advantages, and in 1881 we had a very interesting discussion on the question of town parks, and I remember the hon. and gallant Gentleman who sits for North Galway (Colonel Nolan) proposed that nothing should be a town park that was not close to some town of 10,000 inhabitants. I remember, also, suggesting that if we substituted 2,000 for 10,000, we might, perhaps, be able to get the Committee to approve of it, but the Government of the day, led by the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone), disapproved of any Amendment of the kind. As a consequence a grievance has existed, and the right hon. Gentleman the Member for Mid Lothian afterwards acknowledged that there was an evil to be grappled with, and he promised a Select Committee to inquire into the question. A Select Committee was moved for in 1883 or 1884; but, unfortunately, the Motion was blocked, and before the end of the Session there was no opportunity of getting a Select Committee. Hon. Members in all quarters of the House agreed that the definition of town holdings was one which could not stand The only question seems to be what amendment we shall make in the present law to enable the grievance to be remedied, because it is evident that little villages of a few hundred inhabitants cannot by any reasonable or right use of the word be termed towns. I do not know what course the Government intend to take, but they must agree that some clear definition of town parks ought to exist in this Bill. I trust that they will agree to some amendment before this clause is passed.

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): I have no objection, as far as I am concerned, to the whole question of town parks, and the whole theory and principle which underlies the Act of 1881, being discussed on this Amendment, but I hope it will not be discussed twice. This Amendment is largely surplusage in itself. It is to insert a definition in the clause which is afterwards given in the Definition Clause of the Act. I suggest that we should either take the whole discussion upon town parks on this Amendment, and consider the question as settled upon this Amendment, or that the hon. Gentleman should withdraw his Amendment and allow the question to be discussed on a later Amendment on which it could be discussed more properly. I am indifferent, however, whether it is taken here or later.

Sir WILLIAM HARCOURT (Derby): I do not think it signifies much on which Amendment the discussion is taken. What we really want to know are what are the views of the Government on this point. It would save a great deal of time if the right hon. Gentleman the Chief Secretary would tell us what his views are on the point. I think there is unanimity of feeling in the House that the present definition of town parks is unsatisfactory. If the right hon. Gentleman would give us his views hon. Members from Ireland who understand the matter would be able to see how far they are satisfactory, and how far they are not.

Mr. A. J. BALFOUR: I will make the matter as clear as I can. The hon. Gentleman the Member for North Meath (Mr. Mahony), who moved this Amendment, thinks there ought to be a definition of town parks. The Government are distinctly of opinion that where land is used as accommodation land it should remain one of the exceptions to the Land Act of 1881, which it is by the provisions of that Act, not only in common justice to the landlord, but in the interest of the people of the towns themselves. But we recognize that the effect of the interpretation of the definition given in the Act of 1881 has been as much as possible in certain cases to exclude from the operation of that Act holdings which are really and truly farms. We do not wish to exclude what are really and truly farms from the operation of the Act of 1881; but we do desire to exclude what is accommodation land. We are further of opinion that no efforts this House may make in the way of drafting a minute definition are likely to conduce to that object. We have, therefore, aimed in this clause at freeing the hands of the Land Commissioners so as to allow them to take into consideration all the circumstances of the case. Where the Commissioners think the land to be dealt with is really accommodation land, and not really farms in the sense in which the Act of 1881 contemplated farms, it should be left in the condition in which the Act of 1881 left it; but where it really is holdings, in the same sense of ordinary Irish holdings, then, no doubt, a fair rent might be fixed under the Act of 1881. These are principles which guided the Government in framing this clause. If the Committee think they can mend the clause so as to carry out these objects in a more perfect manner, we shall offer no opposition; but we think it would be unfair to the landlords, and to the towns themselves, and would confer benefit only and solely upon the present occupiers of town parks if we abolished town parks altogether.

Mr. PARNELL (Cork): The intentions of the Government, just described by the right hon. Gentleman the Chief Secretary, are entirely unsatisfactory. The right hon. Gentleman practically takes his stand upon the definition contained in the Act of 1881. He is only willing, where the Courts appear to take an interpretation of the definition contained in the Act of 1881 against the tenant, so far as to exclude holdings which are really farms, and consequently against the spirit of the town parks provisions in the Act of 1881, to insert words, or rather to consider words, to bring forward this clause to meet the difficulty of the case. I believe it will be found that the hon. Members from Ireland on this side of the House, without any exception—and, I believe, some hon. Members from Ireland who sit opposite—will insist upon the Government amending the clause in a much more able and perfect way than this. I go a very long way on this question of town parks; I consider that the definition of the expression, "accommodation land," in the Act of 1881, is useless and vague, and, depending as it must do upon interpretation, that it is a definition which will give rise, and has given rise, to great contention and different judgments upon the question. I wish that all land, whether it is in the neighbourhood of a town or not, whether it is held for what are called in the Act of 1881 accommodation purposes or not, but to which I am not able to attach any moment—whether it be so or not that such land is used for agricultural or pastoral purposes, or partly agricultural and partly pastoral purposes, it should be included within the fair rent provisions of this Bill and of the Act of 1881. I do not think you will be able to arrive at a satisfactory conclusion unless you proceed to open the whole question, and to assert that there shall be no limitation in this respect; and then, if the Government consider that they have a claim for limitations afterwards, for saving clauses or provisoes, let them insert such provisoes and limitations. That is the way the Government can proceed most satisfactorily in reference to this question of town parks. I do not see why, because land is in the neighbourhood of a town, and because the occupant of that land has other business which is more profitable business than the holding of the land, and because he is able out of the profits of his other business to pay a higher rent than the land itself would pay—I do not see why such a person, if he *bonâ fide* occupies the land for agricultural or pastoral purposes, should be obliged by law to pay a higher rent than he otherwise would. For my part, I go farther, and would include every cottage garden within this provision. I do not see why, because land is highly cultivated, and because vast sums have been expended upon it, that is any reason the landlord should take advantage of that and charge what he pleases. I would give the landlord the benefit which the fair rent provision of the Act of 1881 would give him. I would give him the benefit arising from the situation, from the fact that the land is near a town. That very fact that the market for the produce of the land is closer to the land than in the case of ordinary farms makes the land more valuable. I would give him the benefit of that to the fullest extent. Surely the Land Court will take into consideration all these circumstances. But to say that, because this land is called accommodation land—that is to say, because it is of vital importance to the dweller in the town, that his children may have a little pure milk or a few acres of land on which to take a run in the afternoon after school hours—he is to pay a higher rent than he otherwise would, is a principle we cannot agree with for a single moment. I regret to find that we are at such direct issue with the Government on this question. I hope the subject will be reconsidered, and that the clause will be redrafted in some such manner as we have indicated. If the Government think limitations are desirable in the direction mentioned by the right hon. and gallant Gentleman the Parliamentary Under Secretary (Colonel King-Harman), let them insert them at the end of the clause. We shall not object to limitations of such a character; but we do object to the landlord being put into a position to grind down these humble men who, having by their industry in other directions managed to gain a competency, are called upon to pay an excessive rent for the little agricultural land they may desire to hold.

Mr. T. W. RUSSELL: As my constituency is most vitally interested in this question I take the liberty of speaking again. I do not at all wish to deny the increased value of land in proximity to towns, and I think the landlord ought to get the benefit of that circumstance. The hon. Member for North Londonderry (Mr. Mulholland) asked some speaker on this side of the House to name one of the small towns concerned in this matter. My constituency is studded with them. The men in one town of my constituency were dragged up to the Appeal Court in Dublin and were beaten on the definition of the clause. The small farms in the vicinity of the town were held to be town parks, and extravagant prices were charged for them. Although land may be of increased value in the vicinity of market towns, where the produce can be easily sold, it is not of increased value in the vicinity of small villages. It is of no increased value, and to make this land surrounding——

The CHAIRMAN: The hon. Member is now anticipating a discussion which would be much more conveniently taken on the third Amendment. The present Amendment seems to deal with town parks near towns big and small.

Mr. T. W. RUSSELL: I understood, Sir, that we were taking the general discussion. I am entirely with the hon. Member for Cork (Mr. Parnell) on the general principle that the landlord has a right to any increase of the rent arising out of any increase of the value of the land, and that that rent should be fixed by the Court.

Mr. DILLON: I will not enter into the question which has been discussed at considerable length as to what constitutes a town. That is a matter to be discussed hereafter; but I am entirely at one with my hon. Friend the Member for Cork (Mr. Parnell) in the opinion that no principle is really involved in the exemption of town parks from the operation of the Land Act of 1881. What argument is there in favour of this Amendment? The only argument which will hold water is the argument of the interest of the towns themselves. I notice that the right hon. and gallant Gentleman the Parliamentary Under Secretary (Colonel King-Harman) and others who claim this exemption always fall back upon the argument. None of them speak in the interests of the landlords. There is not a shade of reason why the interest of the landlord should be protected as regards town holdings any more than as regards the rent of their estates. What ground do they go upon in regard to this question—the interest of the towns? Has there not been a Committee of this House to inquire into the matter? As to the way in which the interests of Irish tenants have been looked after by landlords who have town parks, I challenge anyone who has sat on the Committee to say whether Irish towns have not been starved by Irish landlords. The fact that there are landlords who are the possessors of land around towns is not a fact in favour of the development of towns. There are few towns as to which the landlords have done their duty; such towns are the exception to the rule. The rule is that Irish towns have suffered and have remained in poverty, dirt, ruin, and misery, through the uncharitable action of the Irish landlords. In face of these facts—undeniable facts—hon. Members opposite base their argument in favour of the exemption of the town parks from the fair-rent provisions of the Act of 1881 upon the injury to the interests of the towns. The right hon. and gallant Gentleman said it was to the interest of the townsmen that these town parks should be in the hands of landlords. And why? In order that the local butcher might have his land at a low rate——

COLONEL KING-HARMAN: I did not say that at all.

MR. DILLON: Why should not the local butcher have it from the tenant as well as the landlord? If the landlords let their land round towns at a cheap rate, instead of demanding rack-rents the argument of the right hon. and gallant Member might have some force. If it can be shown that town parks are let as they should be, at reasonable rents, there is something to be said for the present system. Accommodation land, indeed! The present method is neither more nor less than a method of sucking the life blood of the people who are compelled to live in towns. The landlords who own land near towns make the traders, or men whose business compels them to live in towns, but who find the advantage of having a few acres of land, to pay three times the real value of the land. It was proved, during the passing of the Land Act of 1881, beyond all question that the improvements on the farms were made by the tenant, and not by the landlord. What is the case with town parks? There is no part of the country in which more money of the tenant is sunk. Did anyone ever hear of a landlord laying out £1 on a town holding? [Colonel KING-HARMAN: Yes.] I hope the right hon. and gallant Gentleman will point to an instance. Certainly, for every £1 the landlords have laid out on town parks, I can prove that the tenants have laid out £100. We know of cases in the West of Ireland where town parks have been brought from absolute sterility to a high state of fertility by the expenditure of vast sums of money by the occupiers. The occupiers of town parks have really nursed the land; they have wasted more money upon it than they will ever recoup, simply because it means the luxury of fresh milk for their families and good hay for the horses they have at work in the town. The capital expended out of the proceeds of the labour of the townsmen is to be at the mercy of the landlords. There is not a shadow of honest argument in favour of the preservation of this exemption. This exemption means, in the first place, the passing of machinery by which the landlord is to be able to extract tribute out of the towns; it means the awful machinery of terrorism. The townspeople regard this land as almost a necessity, and it is misery to them to be deprived of it. The men who own the land round towns in Ireland use their position as a means of terrorizing the people, and keeping them in a state of abject fear and misery lest they should be deprived of the little land they hold.

I challenge any hon. Member opposite to answer me on two or three points. In the first place, I challenge them to prove that the interests of Irish towns have been served by the landlords holding land round towns, and that, therefore, they have any ground for continuing to hold it. I challenge them to show that landlords have laid out one-hundredth part of the money the tenants have laid out; and, thirdly, I challenge them to go into the question of what real, *boná fide* distinction there is between what they call accommodation land and a farm on which people live. The land around small Irish towns is attached to particular houses. The right hon. and gallant Gentleman has argued that if a butcher in a town, holding land in a town park, failed in his business, he might take refuge upon this land, and, therefore, the successor to him in his business would lose the benefit of the land. I know places in the West of Ireland where land has been attached to some houses as long as human memory runs. The house and the land are detached, probably, by the length of a street, but, practically speaking, they are as much part of one holding as if they were actually joined together; the things go together, and if a man sells his business without the field he will suffer in his pocket. This so-called accommodation land is part of a tradesman's business. These town park holders are a most important class of tenants. No men are more willing to spend money on the land or to give employment; and it is a monstrous thing that now, while security is to be given to every other class of Irish tenants, these men who do spend money and industry upon their holdings are to be denied the security which they are most reasonably asking.

SIR WILLIAM HARCOURT: I have listened very attentively to this debate. I invited the right hon. Gentleman the Chief Secretary for Ireland to state his views on this subject; but I cannot understand what the Government mean. I quite agree with the hon. Gentleman the Member for Cork (Mr. Parnell), and others who have spoken. What is the difference between accommodation land and any other land? Why is not accommodation land to be let at a fair rent as well as other land? Accommodation land generally means land that people cannot do without; it is land in such a situation that you must have it, and, therefore, you are to pay a high price for it. That is what in England accommodation land generally means. If the situation of land is such that there is a great demand for the land, that the land is very profitable to the man who holds it, there will be a higher rent. It is not said that the rent of the land should be as low as a piece of agricultural land. No one will contend that for a moment. Land in proximity to a town, whether it be large or small, will, when a fair rent is fixed, be found to be of an enhanced value. Therefore, I cannot see any ground whatever for the fundamental distinction made by the Government. You may say the distinction was made in the Act of 1881. There are a great many mistakes made; and I recognize there were many mistakes made in the Act of 1881. In passing that Act, the Government of the day did not pay sufficient attention to the opinion of the people who understood the matters dealt with, and that is always a great mistake. What is the character of the Irish opinion on this subject? All the Nationalist Members, and many of the Members from Ulster, hold the same views upon this matter. How many are there who take a different view? There is one right hon. Gentleman who sits upon the Government Bench, and one Gentleman who sits below the Gangway. What is the use of the Government trying to settle this question against what may be termed the unanimous opinion of Ireland? It can only tend to further difficulty in the future. You will leave the sore unhealed, and you will have renewed complaints. Why should you refuse to do justice? How would injustice be done to the landlord if he got fair rent? We know something of this question in the large and small towns of England. I speak in the presence of many Gentlemen who know the truth of what I am saying. Of all the greatest evils that can happen to any town is that the land in its proximity should belong to a great landlord. I know towns amongst the most populous and prosperous who complain of it as the greatest evil that can happen. I know towns in this country that have been entirely destroyed by it. I have frequently to bring in Bills to take land compulsorily for allotments and for other purposes. To maintain, as an exceptional condition of things, land in the proximity of towns in the hands of considerable landowners is to go against the experience not only of Ireland but of England. Surely the occupier of these lands ought to have the remedy which is given to everybody else in Ireland. I ask the Liberal Unionists if they do not consider this a proper question on which they can unite. What is there in Liberal Unionism which demands the maintenance of such a system? I cannot think the Union depends upon exorbitant rents for town parks. Surely this is an open question. It has been said that the man makes money elsewhere, and therefore you may clap upon him a higher rent for his town park than you otherwise would. That seems to be an ingrained and inveterate idea in the minds of the Irish landlords. It is not only in the case of town parks but also in the case of the miserable holdings in the West that the Irish landlords are always seeking to get a rent the land will not yield. The Irish landlords are bent on getting double or treble the rent they ought to get. They may get it from people in America, or they may get it from Irishmen who come over here for the harvest. It does not matter who pays the toll so long as the Irish landlords exact that which no landlord elsewhere on the face of the earth seeks to exact. In this they have been supported by the British Government for generations, and they have thought they were destined by Providence to take three times as much rent as anybody else. They must be disabused of that idea. They must be told that that is not one thing which is established in the eternal law of Providence. Why not deal with these town parks on the same footing of justice as all other land? These are the principles of common sense which may be applied to this question. We ask that no injustice shall be done. We say that the landlord shall have justice done him. He will have justice done him by the Court when they fix a fair rent. Why then establish this exceptional position for a particular class of holders which must breed discontent and continue that discontent which has existed so long? You cannot doubt that the town park holders are greatly discontented. If you are going to make this measure a healing measure why not proceed upon principles which can be defended. There is no ground whatever for the distinction the right hon. Gentleman the Chief Secretary for Ireland has set up, and therefore I entreat the Government to deal with this matter on a broad and sensible principle, and give to this particular class of holders the same benefits which you have endeavoured to give to the other classes of holders of land in Ireland.

MR. A. J. BALFOUR: The right hon. Gentleman the Member for Derby has fallen back as he usually does upon promiscuous abuse of the Irish landlords, promiscuous abuse in the sense at all events that whereas the point we are discussing has to do with town parks, the right hon. Gentleman has wandered to the wilds of Donegal in order to show the iniquities of the landlord class. There is one argument the right hon. Gentleman used which appears to me to be most extraordinary. He said that no greater misfortune can happen to an English town than to have near it or on its borders a large owner of land. [*Cries of* "Hear, hear!"] I am not disputing that proposition—I do not wish to express an opinion one way or the other—but let me ask what is it the right hon. Gentleman proposes to do by the Amendment he supports? He proposes to substitute for large landlords small landlords. The Act of 1881 does not substitute small proprietors for big proprietors; it leaves the estates as big as they were, but puts double owners upon them. It is now proposed that the Irish towns, instead of being surrounded as they are now by large estates, shall be surrounded by large estates which are hampered by a set of tenants who cannot be turned out; in other words the right hon. Gentleman in the interest of the extension of the towns desires that to the existing landlords a new set of landlords should be added. If we are to remove the old landlord and substitute a set of peasant proprietors, I can understand the right hon. Gentleman's policy whether I agree with it or not. There can be no question that the interest of the towns will be injured and not promoted by the policy which the right hon. Gentleman desires to carry out.

SIR WILLIAM HARCOURT: The right hon. Gentleman misunderstands me. What I meant to say was that these tenants will practically with dual ownership be equivalent to so many small proprietors.

Mr. A. J. BALFOUR: Now we understand what the right hon. Gentleman means. How are large towns in England, which is an analogy to the case we are considering—are large towns in England injured by the neighbourhood of large proprietors? I presume they can only be injured in one of two ways. Either the landlord refuses to let his land on lease or he refuses to let it as accommodation land. Let us take these two methods in order. Take the case of building land. Will building in towns in Ireland be promoted by the substitution of dual ownership for single ownership; will you not really add a new set of difficulties? As to the question of accommodation land, I understand that the plan the right hon. Gentleman proposes to substitute is that the accommodation land shall be obtained of the shopkeepers or others in towns, not from the landlord but from the tenant; in other words, you are still to have rack-rents for accommodation land, but the rack-rent is to be paid to the tenant and not to the landlord. It is, therefore, clear from the right hon. Gentleman's statement that what he is driving at is not the interest of the dwellers of towns, but the interest of that set of individuals who happen for the moment to be in possession of the accommodation land. I have heard of cases in which landlords near towns have let their lands at moderate rents, possibly they have let them to farmers under the Land Act of 1881 at judicial rents. The farmers have let the land as pasture or accommodation land, at what is really a rack-rent. You have the landlords getting £1 per acre, and the tenant getting £5. The right hon. Gentleman said Representatives from Ireland were practically unanimous in favour of this change, and asked us why we would not agree to it. I admit that the Irish Representatives should be consulted on all questions. Is it not clear that there may be cases when the interests of a small minority only are affected and the Representatives are of the majority, and when there may be a sufficient inducement to the representatives of that minority to support by their votes what is practically an advantage to the small and unpopular minority? Will anyone who has looked into this question deny that we may be running into that very danger if we accept the Amendment supported by the right hon. Gentleman. We are discussing the clause in its general aspect. I certainly consider that the solution proposed by the Government is the best which is put forward. It does not destroy accommodation land, and gives every facility for the extension of a town, and I cannot see that any substantial injustice is done to anyone.

Mr. O'DOHERTY (Donegal, N.): A matter fundamental to the consideration of this clause is that Ireland is an agricultural country, that the inhabitants are mostly farmers, that the customs of the people are identical, and that the ancient practice was for the people to gather into the villages and cultivate their farms in common. That practice has continued in the North of Ireland, and there the Ulster custom has become applicable to every case of what is now called a town park; and what the Courts have decided to be the tenant rights of the town parks are as much attached to the holdings, sell with them, improve with them, and go down with them, as they do in any part of the country. I beg attention especially to the case of Ulster, for there is no case where the confiscation brought about by that unfortunate definition in 1870—a definition which never would have taken place if Ireland had been represented by the two Liberal Unionists who now represent her in this House. Had the House been fully alive to the importance of this matter in 1870, had it known the insidious nature of the Amendments introduced in the definition of what is is called a "town park"—had it known the ruin, degradation, and enslavement that would be brought about in many parts of Ulster, they never would have passed this definition. We have not moved in this matter by the most profound policy it is possible to conceive. I am not talking about England. In England the landlord performs properly and capably the duties appertaining to ownership of the land — he bears the duties incidental to the estate. In Ireland, however, there is no person to make improvements but the occupier. It is on the exertions and the capital of the occupier that you must depend for all profits, and this is now the question the Committee has to face, whether or not the custom that merely consists in depending on what may be the accidental conditions for the value of a farm—it may be continued competition—is to continue, the farm, whether it be improved or not, being saleable to the highest bidder, or whether you will introduce for that system a system which gives a man an interest in the selling and in the improving of the land, and makes the farm progress with himself. Surely the Committee will say that this system, which it can be proved is a good one, should be adopted in preference to the system advocated by the right hon. Gentleman—which is merely a system of allowing the competition to go on; the value of the land at one time it may be high, at another time it may be low; there being contemplated in connection with the soil not a single duty of man; the only thing contemplated being a passing occupier, and nothing in the shape of fencing or draining being considered. There seems to be an idea against the disparagement of the building of our towns in Ireland. I wish the right hon. Gentleman the Chief Secretary would extend his travels a little beyond the City of Dublin—I wish he would go through one of our villages and take any one street in it, and count the number of ruined houses he will see on his way. If he would do that, he would understand what has been going on all through the country—he would see a proof of it. He would see that the agricultural villages are more than half ruined. In many quarters he would see only a few ruined houses where once was a populous place. Talk about disparagement of buildings! What we want is something to prevent the dilapidation that is going on, and that can only be done by associating a man's interests with his affections in the practical development of the land. The right hon. Gentleman seems to think this would be a beneficial thing only for present occupiers. Sir, the policy Parliament introduced at our request in 1881 was a policy of free sale. Where a man was unable to live upon the land, the policy was to enable him to sell to a man to whose interest it would be to hold the farm and improve it. That policy was calculated to bring about two effects—to eliminate the bad and inferior tenants, and to bring in the energetic, money-making, and improving men. That, I believe, has always been the result of free sale as applied to land. There is very little difference between the occupation of land as owner or as tenant, provided no other man above you can take advantage of the fact that you have made improvements. If attached to the system of free sale of which I speak you have also corollary with it a system by which a man can make a benefit out of any improvement, what is the difference between that condition of things and a peasant proprietary, which, we say, as well as you, should be the ultimate goal? What I do now say is this. Speaking only from the point of view of the landlord, and addressing myself to those who live in the country and who live on the land, I want to know what right has the man who has the accident to hold land near a town to pay more money for it than the man who holds land three miles from the town? What right has a man to give more because he lives near a town than because be lives in the country? I quite admit that if the land is worth more a higher price should be paid for it; but what I never can get English Members to look at is the fact that the farm has been made by the tenant, and not by the landlord. It is in no way the landlord's to dispose of; and the system which has brought about the cultivation of the land has grown up under the very walls of the town, and is as strong there as it is within three miles of the town. How you can draw a distinction—how you can draw a line—between property near a town and property some distance away, and say, "Here injustice ceases, and justice begins," I cannot say. We base our case on the Act of 1881, and you yourselves, though you do not say so, imply that that is the proper basis. The basis is fixity of tenure. It has made a marvellous improvement in the condition of farms, though, generally, throughout Ireland so much benefit has not been derived from it as ought to have been the case. Still it has induced farmers to make increased efforts to improve their holdings. I have often travelled through districts in Ireland where nothing could be seen for miles but the stones upturned by the farmers where they were improving their land. I feel I have spoken at too great length. The Committee thinks that the system of leaseholders is important. I agree with that; and I also hold that there is no section of the population in Ireland whose rights ought to be more quickly and reasonably attended to than the holders of this land near towns. I feel with absolute certainty that there is no message you could send to Ireland which would produce more peace than a message announcing the destruction of the distinction which at present exists between land immediately outside the villages and towns and that further away from them.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I trust the Committee will now come to a decision on this matter. I venture to think that the arguments have been fairly stated on both sides, and that any further repetition will not add any further to the enlightenment of the Committee on this question. It is very important that we should make progress, having regard to the interests of the Bill. I trust we shall now be allowed to take the Division.

Question put.

The Committee *divided*:—Ayes 147; Noes 185: Majority 38.—(Div. List, No. 334.) [10.55 P.M.]

MR. PINKERTON (Galway): I think the Amendment which stands in my name, and which I now move, will put to the test the sincerity of the Government. The right hon. Gentleman the Chief Secretary asked the Representatives of Belfast to express their desire that villages and small towns should be exempted from the scope of this Act. It is a well known fact that the occupiers of land in, or rather near, the smallest towns in the North of Ireland have to pay exorbitant rents to men who themselves have never done anything to improve the land. I perfectly agree that increased valuation — [*Interruption, and cries of* "Order!"] I am glad to see that hon. Members opposite are setting Irish Members so good an example. It is not so often that I intrude upon the House, and I think that when I do stand up to speak I should receive a fair and impartial hearing. The Amendment is to this effect—a proposal to keep outside the scope of the Bill all towns of under 10,000 persons. This does not attack the principle of the clause, but simply limits it. The Amendment will have the effect of excluding all villages and small towns the inhabitants of which are at present injured by this prohibitory clause. It is a well known fact that every town in the County of Londonderry—every one of those small towns held under the London Companies—seems to be mildewed, owing to the fact that the Companies put a prohibitive rent on the adjoining land. We ask that these small towns in Londonderry, Antrim, and, in fact, throughout the whole of Ireland, shall be exempt from the regulations as to town parks. I am disposed to recognize that this Bill is a great and good measure; and I am sorry that it should be disfigured by any blots of this description. With the exception of this clause and the 4th clause, I am disposed to think the Bill a great boon; and I trust the Government will not be so foolish as to refuse this Amendment of mine, for if they do they will only cause a fresh agitation throughout Ireland. The small occupiers in the neighbourhood of villages are the very men who form the nucleus of the agitation. If you accept this Amendment, however, you will make this an effective measure, and do a great deal towards preventing these people from being deprived of the benefits of the Bill.

Amendment proposed,

In page 6, line 21, after "1881," insert "unless the city or town which it adjoins has a population of at least ten thousand persons, as ascertained by the last Parliamentary Census Returns, nor shall it be so deemed."—(*Mr. Pinkerton.*)

Question proposed, "That those words be there inserted."

MR. T. W. RUSSELL (Tyrone, S.): You stopped me, Sir, and very properly, when discussing this very point on the last Amendment. The Committee will notice that I have an Amendment lower down, fixing the population at 5,000. The reason I selected that figure was not because I considered 5,000 the right number, but because Lord Cowper's Commission recommended that it should be adopted. That is the sole reason why I selected that figure. Now, what I would suggest to the Government is that we are at last on ground where compromise is reasonably possible. All who were in Parliament when the Act of 1881 passed will bear me out when I say that the Act never contemplated such an interpretation as has been put on it. It was never contemplated that all these little villages and hamlets should be defined as towns by the Court. The right hon. and gallant Gentleman the Parliamentary Under Secretary for Ireland (Colonel King-Harman) has talked about butchers. Why, they have no butchers in these villages. The idea of talking about butchers in these wretched hamlets! The right hon. and gallant Gentleman must know that in these places——

THE PARLIAMENTARY UNDER SECRETARY FOR IRELAND (Colonel KING-HARMAN) (Kent, Isle of Thanet): I distinctly stated that I objected to these small villages being taken as towns, and I said I hoped the definition would be confined to towns.

MR. T. W. RUSSELL: I am glad to hear that the right hon. and gallant Gentleman is going to support us. I rose for the purpose of saying that we have at last reached ground where compromise is possible, and that I hope the Government will meet us in this matter.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I confess I am unwilling to depart from the general policy hitherto maintained—that of leaving it to the Land Committee itself to decide what is or what is not accommodation land or town parks within the meaning of the Act of 1881; but if it would conduce to the harmony of the proceedings on the Bill, I should be prepared to mention a figure of population that would exclude anything in the nature of a hamlet. I should be quite ready to accept the figure of 2,000 as the limit.

SIR WILLIAM HARCOURT (Derby): The right hon. Gentleman the Chief Secretary for Ireland's notion of a hamlet is rather extraordinary. I suppose it is taken from the wilds of Scotland. This is a question upon which we ought to be guided very largely by the opinion of hon. Gentlemen who are acquainted with the circumstances of Ireland. The hon. Gentleman the Member for South Tyrone (Mr. T. W. Russell) has said—"We have come to a point where compromise should be adopted." I agree with him; but he will have a great deal more influence in getting a compromise from the Government if he can persuade any one of his Liberal Unionist Friends to vote for it. What do we see in all these discussions? Why, we see the hon. Member for South Tyrone rise in his place and argue—I have no doubt most sincerely—in the interest of his constituents, while his Friends, the Gentlemen with whom he generally acts, vote the other way, in order to secure the Government in a majority. If the hon. Gentleman wants to obtain a compromise on this or any other point in the Bill, he should use his influence with the noble Lord the Member for Rossendale (the Marquess of Hartington), or anyone who sits near him, to give him a little support in these matters. [*Cries of* "Question!"] If there is any Gentleman who thinks I am out of Order it is well he should rise to invite the opinion of the Chairman. I do not think it is convenient to have six or eight Chairmen of Committees all sitting upon that side of the House. If I am to be allowed to continue my remarks, I will earnestly recommend the hon. Member for South Tyrone, if he desires to get a compromise out of the Government upon this Land Bill, to pursue the course I have indicated to him.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I am delighted the principle of compromise has been accepted; the only point is what the figure shall be. I think the concession of the Government is a considerable one, and that hon. Gentlemen on this side of the House will accept it, if they cannot get anything better—5,000 inhabitants are really what represent a small town, while 2,000 or 3,000 inhabitants may be taken to constitute a village.

MR. A. J. BALFOUR: I find a long list of towns in Ireland with a smaller population than 2,000. The concession of the Government, I am sure, is by no means an inconsiderable one.

MR. LEA (Londonderry, S.): I do not wish to prolong the discussion. I only wish to say that I would rather have taken the figure of the Cowper Commission—namely, 5,000. That Commission made their recommendation after a very fair inquiry. If we cannot possibly get an increased figure, I think we had better accept the figure of 2,000.

MR. PARNELL (Cork): There is one way by which we can get an increased number, and that is by the Liberals on this side of the House voting solid against the Government. That is logic the Government will admit. The limitation of 2,000 which has been drawn by the right hon. Gentleman the Chief Secretary will, I have no doubt, admit half-a-dozen towns in the whole of Ireland. Just let me remind the Conservative Members from the North of Ireland what are some towns which are not large towns, but which will be shut out by their refusal to agree to the Amendment of my hon. Friend (Mr. Pinkerton). Portadown with a population of 7,050, Newtownards with a population of 8,674, Coleraine with a population of 6,694, and other places in Ulster, will be excluded unless the Amendment of my hon. Friend is accepted. I fancy there will be rather a ferment in some of these places when they see which side their Orange Representatives have gone upon this matter, and how they have been shut out of the benefits of this clause by the votes of hon. Gentlemen whose one object seems to be the preservation of the Union. Upon what principle have the Government taken their stand in this matter—in selecting the figure of 2,000? Have they taken their stand upon the Report of their own Commission? They have not done that, because the Cowper Commission, which we must assume had every opportunity of coming to a correct decision as to the limit, recommended in Clause 49 of their own Report that all town park holdings exceeding five statute acres in size and adjoining towns of less than 5,000 inhabitants, should be admitted to the fair rent provision of the Land Act of 1881, subject to the landlord having power of resumption for building or improvement purposes upon paying compensation. We take our stand upon the Report of the Cowper Commission on this matter. I suggest to my hon. Friend that he should reduce his figure from 10,000 to 5,000, and that then we should ask the Government whether they will not reconsider this question, and allow us to pass to the next clause of the Bill.

Mr. PINKERTON: I beg leave to amend my Amendment in the way suggested by my hon. Friend the Member for the City of Cork.

Amendment proposed to the proposed Amendment, to leave out the words "ten thousand," in order to insert the words "five thousand."—(*Mr. Pinkerton.*)

Question, "That the words 'ten thousand' stand part of the Question," put, and *negatived.*

Mr. Parnell

Question proposed, "That the words 'five thousand' be inserted in the proposed Amendment."

Mr. DILLON (Mayo, E.): I think it is most deplorable that when an opportunity for procuring a satisfactory arrangement in this matter seems to offer itself, the hon. Member for South Londonderry (Mr. Lea) should intervene and practically give away the interests of all town populations. Surely this is a question which is not mixed up with the Union. If it is not, we might reasonably be encouraged to hope that if the Liberal Unionist Party from Ireland had exercised their influence with their own supporters in this House, we might have been able to carry this measure for the benefit of the people of Ireland. This is simply a question of detail, a question to what limit the operation of the clause shall be extended. I hold very strongly that the limit should be 10,000 and upwards, and one of the chief reasons I have in intervening in this debate is to ask the Committee to observe that not one single Member from Ireland has spoken against this Amendment except the hon. Member for North Londonderry (Mr. Mulholland), and I invite him to go back to his constituents and hear what they say of his action in this matter. Where is the Leader of the Conservative Party from Ulster? Where is the hon. and gallant Gentleman the Member for North Armagh (Colonel Saunderson)? I should like to hear his opinion on the subject; he has voted, but he has not spoken. Other hon. Members from Ulster should speak out on this matter, because we are entitled to say that up to this the whole weight of opinion, except that of the hon. Member for North Londonderry, has gone one way. I respectfully urge on the hon. Member for South Londonderry to say if he cannot put a little firmer pressure on the Government in order to secure that the limit shall extend to 5,000. I do not see why it should not be fixed at 10,000. I cannot understand why Portadown, and such places as that, should not be included.

Question put.

The Committee *divided*:—Ayes 155; Noes 195: Majority 40.—(Div. List, No. 335.) [11.30 P.M.]

Mr. A. J. BALFOUR: I beg to move the insertion of the words "two thousand."

Mr. PARNELL: May I ask whether it would be competent to insert "four thousand;" and whether such an Amendment would not have priority over the Amendment of the right hon. Gentleman?

The CHAIRMAN: The Government have priority for the Amendments to their own measure. If the proposal to insert "two thousand" is negatived, then the proposal can be made to insert "four thousand."

Amendment proposed to the proposed Amendment, to insert the words "two thousand."—(*Mr. A. J. Balfour.*)

Question proposed, "That the words 'two thousand' stand part of the proposed Amendment."

Mr. PARNELL: I trust the Government will agree to the wishes of their own supporters from Ireland in reference to this question, and modify their Amendment so as to make it include towns of 4,000 inhabitants, instead of 2,000. The limitation to 2,000 will destroy the utility of this measure. I cannot understand on what principle the Government are proceeding in this matter. They are certainly not proceeding on the Report of the Royal Commission, but are really flying in face of it. I should have thought they would have told us why they choose this figure; that they would have given us some statistics to show how many towns are excluded, and how many are included. This is a matter of considerable practical importance to the people of Ireland, and it is worthy of a little elucidation or of a little discussion as to how many towns are going to be left out, and as to how many towns are going to be left in by this Amendment. We know that a town of 2,000 inhabitants is a very small one indeed. What objection can there be to raise the limit to 4,000?

Colonel SAUNDERSON (Armagh, N.): The hon. Member for East Mayo (Mr. Dillon) asked me to express my opinion as to the question now before the Committee. He thought that if I expressed an opinion adverse to the acceptance of the proposal to limit the operation of the clause to towns of 10,000 it would bring me into loggerheads with my constituents. It appears to me that hon. Gentlemen below the Gangway opposite forget one class in Ireland, and that is the labouring class. A great deal has been said about the tenants, and it is proposed to do a great deal for Irish tenants. In former years, I myself supported a Land Act, which really did confer benefits upon the Irish tenants; indeed, I can point to my political career as a proof that I am not absolutely opposed to the interests of the Irish tenant farmers. But let me recall to the Committee the fact that there is another class in Ireland, the class which I believe returns most of the Members who sit for Irish constituencies, and that is the labouring class. When the hon. Member for Cork (Mr. Parnell) speaks of the benefits which would be conferred upon the Irish people by sending the benefit of this proposal to them, I think he entirely forgets the labouring class. [*Cries of* "No, no!"] Well, hon. Members say "No, no!" but I should like to hear from some of them what benefit it would confer upon the labouring class, and upon the working classes in the towns of Ireland, especially in the towns of Ulster, for I speak of them from personal experience, to confer this benefit upon them. If the proposal is accepted, and towns of a large number of inhabitants are included, the labouring classes will be absolutely precluded from obtaining allotments in the neighbourhood of towns. Instead of dealing with the landlords, they will have to deal with middlemen, and my experience tends to show that the terms granted by middlemen are a thousand times harder than the terms ever proposed by the landlords, who are so much vilified by hon. Gentlemen below the Gangway. I have the honour to represent a constituency which is largely composed of the labouring classes—in fact, the majority of my constituents belong to those classes—and I can say most conscientiously that the working classes of my constituency would be deeply injured by establishing round the small towns of Ulster a network of tenant farmers, with whom labourers or working men would have to deal when they wanted allotments, which I believe to be necessary to the well-being of our labouring population; and, therefore, if hon. Gentlemen below the Gangway think they will get the Ulster

Members into a hole in this matter they are greatly mistaken. I do not speak of the hon. Gentleman the Member for South Tyrone (Mr. T. W. Russell), for I do not know exactly the circumstances in which he stands. I speak for myself, and I know I speak for the majority of my Colleagues, when I say that in opposing this proposal we are carrying out the wish of the majority of the electors who return us to sit in Parliament.

MR. PARNELL: I really do not know what the hon. and gallant Gentleman (Colonel Saunderson) has ever done in the interests of the Irish labourers, except it be to attempt to raise disputes between the farmers and the labourers in order that the landlord may steal in and carry off the booty. As the designer of the first Labourers Act which ever was passed by this House, the Irish labourers know very well what I have done for them. They are able to measure and estimate the difference between the exertions of the hon. and gallant Member and myself. But, Sir, this attempt to drag the red-herring concerning the labourers across the trail will not be of any use to the hon. and gallant Member. If he is prepared to move any Amendment of the Bill in the interest of the labourers—if he can propose any means by which the labourers can be benefited in this matter—he will find no better or more earnest supporters than we. The hon. and gallant Member would do well, I think, not to raise these disputes between two meritorious and hard-working classes in Ireland; but to try and forward, or serve the interests of both. That has been the principle upon which we have always acted. There is no possible way in which the interests of the labourers can be injured by this Amendment, because if there are labourers in Ireland, as the hon. and gallant Gentleman maintains, who possess allotments round small towns, they will come under the benefit of this provision; they would be equally benefited with the farmers by this provision. It is competent for the hon. and gallant Member, if he does not think the labourers are sufficiently protected, to procure protection for them; but he has not attempted to do so. He simply leaves the labourers like the tenant farmers, unprotected, and at the mercy of the landlords. That is a course in which we shall not follow him. If allotments under the Labourers Act are required for labourers bordering on towns in Ireland, it is possible that these allotments can be obtained compulsorily. There is nothing to prevent labourers allotments being put down on town parks. There is nothing to prevent labourers being amply provided for in respect to allotments, and I remind the hon. and gallant Gentleman who boasts so much about his desire and the desire of his constituents to do justice to the labourers, that Ulster is the only Province of Ireland in which the Labourers Act has not been used. So much for the argument of the hon. and gallant Gentleman in regard to the labourers. We desire to benefit both classes by doing all we can for each class, and we believe that those who set one class against the other are the worst enemies of both classes.

MR. T. W. RUSSELL: I should like to mention one fact to the Government. There are not many towns in Ireland with a population of between 2,000 and 3,000; but there are a good many between 3,000 and 5,000. Would it not be possible to insert 3,000, and thus include such towns as Boyle. There are some of between 2,000 and 3,000 population; there are a good many of between 3,000 and 5,000, and I think it a reasonable matter of compromise to make the figure 3,000.

COLONEL KING-HARMAN: I should support the hon. Member in his proposal to make it 3,000.

MR. DILLON: I think that in this instance we ought to press for the limit of 4,000. I think I can confidently count on the support of the right hon. and gallant Gentleman the Parliamentary Under Secretary for Ireland (Colonel King-Harman) for that figure. The question of principle has been abandoned to a great extent. I could give a good case—one brought under my notice by the hon. Member for North Monaghan (Mr. P. O'Brien)—showing the necessity of adopting a reasonable limit in this clause. There is a man living in the town of Ballybay, who writes to us begging us to insist on this Amendment. This man—I believe he is an Orangeman; at any rate, I do not think he is a member of our Party, although on this question he communicates with us—informs us that he holds a so-called town park, for which he pays 50*s.* an acre. He says he holds the land under a yearly tenancy, that he is liable to be expelled at any time by notice to quit, and that he cannot get compensation for his improvements. He says he has a neighbour whose farm adjoins his own; that this neighbour—his land not being within the area defined as town park land—went into the Court against his landlord, who was also the landlord in the case of the town park, and got his rent reduced to 25*s.* per acre. This man thinks it very hard that he should have to pay 50*s.*, whilst his neighbour, for precisely the same class of land, has only to pay 25*s.* He is denied justice, because he is said to live near a town. I will now give a little information to the hon. Gentleman the Member for South Tyrone (Mr. T. W. Russell). He tells us that there are very few towns in Ireland of between 2,000 and 3,000 population. Well, if I chose to weary the Committee with such details, I could mention dozens. Here are a few. There is Clones with a population of 2,216—a Protestant Orange centre; then there is Carrickmacross and Dromore, with populations of under 3,000; Cumber with 2,165, Ballyshannon with 2,140, and Letterkenny with 2,188. These are only a few scattered towns from the Province of Ulster, and there are an immense number in the South. There are, again, a large number with a population of between 3,000 and 4,000. There is Cookstown, Ballymoney, Bangor, Downpatrick, and so on. There does not seem to be a shadow of a shade of principle in the method in which the present law is carried out; and I think the Government will regret that they did not take their stand on a number that could be defended. They should at least have taken the number mentioned by the Cowper Commission. Why should they stop at 2,000, when there is not the least shade of local opinion in favour of it? There is not a shade of principle in it. When you once begin to move in the matter, I do not see why you should even stop at 5,000. I can congratulate the Committee upon having got the hon. and gallant Gentleman the Member for North Armagh (Colonel Saunderson) to speak on this matter; but what was his contention? Why, Sir, that to adopt our proposal would interfere with the welfare of the labourers. Will he be kind enough to point out to us how this will be? Will he show us where the labourers have got allotments? In the district of which he speaks the landlords have held the land for centuries. I know the land very well; but I do not know a place in Ireland where the labourers have got allotments. I do not deny that there may be some few cases; but all I can say is that if they do exist, they are oases in the desert, so far as the generality of the country is concerned. Such a thing is unknown in the whole of my experience, and I believe it must be excessively rare. To bring that forward as an argument against a measure of justice being extended to men holding land in the neighbourhood of small hamlets who at present are suffering grievous wrong is futile. The hon. and gallant Member considers he has completely floored us by this argument. He asks us—"What do you propose to do for the labourers?" I tell him, in reply, that we are dealing with the case of men who have town parks, and not with that of labourers. With regard to these labourers, I would inform the hon. and gallant Member that those who are their best employers are the holders of these town parks. In many parts of Ireland these persons pay much better wages than the landlords do. I can give the Committee any number of cases from the South and West of Ireland in proof of this statement. I say, therefore, that I have answered the hon. and gallant Member when he asks—"How can we benefit the labourers of the towns?" We can benefit them by giving the inducement which we are now asking for to the town park holders—an inducement to spend their money on their holdings—by which they will get security of tenure, which means security for the capital they invest. The question is, are these men to continue being robbed, or are they to get security for the money they invest? If they get security they will continue to spend their money on their holdings in the future as they have done in the past—nay, I believe they will spend more money than they have done in the past.

Mr. A. J. BALFOUR: I do not like to prolong this discussion; but I should just like to make this one remark—that, in the first place, when hon. Gentlemen allege a hardship against the tenant involved in the principles of the present law in reference to accommodation land —the allegation being that the tenant, after improving his land, can be turned out summarily—I would remind them that no tenant, not even a tenant of this description, can be turned out summarily without receiving compensation for his improvements. In the second place, I would remind hon. Gentlemen, though we propose to lower the limit to 2,000, we do not propose to exclude from the benefit of the clause towns above that figure. The hon. Member for East Mayo (Mr. Dillon) asks upon what principle we adopt the 2,000 limit. There is no principle in the matter to be defended as such; 4,000 can be defended no more than 2,000, and the limit of 10,000 is not capable of more defence than 4,000.

Mr. DILLON: My contention is that if you abandon all principle you ought to adopt the limit proposed by the Cowper Commission.

Mr. A. J. BALFOUR: If the hon. Member suggests that when we abandon questions of principle we ought to allow ourselves to be guided by the recommendations of the Cowper Commission, I would ask him why he and his Friends did not adopt the suggestion of the Cowper Commission in regard to Clause 4 when they objected to that part of the Bill. However, I do not wish to enter into that controversial matter. I would remind hon. Gentlemen of the procedure adopted in regard to this Bill. The plan of the Government was that the Land Commission should be allowed to deal freely with the question of these town parks —that they should remain unhampered —that was the principle which they desired to see adopted. But because we have given way on that point, and have adopted an Amendment in deference to the views of hon. Gentlemen opposite, that very fact is used against us, and we are asked why, having gone so far, we do not go still further. I respectfully submit to the Committee that that is neither a fair nor a true principle of compromise.

Dr. J. E. KENNY (Cork, S.): It is the larger towns in which the evils of overcrowding most abound — which most require that this question of town parks should be dealt with, and the limitation removed whereby the larger towns would be excluded from the operation of the clause, which would be made applicable to the agricultural districts pure and simple. It is well known that one of the greatest obstacles to the application of the Labourers Act has been caused by the enormous sums demanded by the landlords whenever it has been sought to bring that Act into operation. Therefore, in reply to the statement that we are doing nothing for the labourers, I say that it is the obstacles thrown in our way by the landlords that have created the main difficulty. I would, therefore, strongly urge the Government to accept at least those terms which their own Friends, the Liberal Unionists, are disposed to accept.

Mr. O'DOHERTY (Donegal, N.): I cannot but express the surprise with which I have heard an Ulster Member saying from his place in this House that it is in the interest of the labourers themselves he desires to see the town parks destroyed.

Mr. M'CARTAN (Down, S.): I know of no question that affects the interest of the people of Ulster more than this question of town parks. Some time ago, in a speech made by an hon. Gentleman opposite, we were told that it was nearly time the Government did something for the landlords. I think one may fairly say that, on this question of town parks, the Government are doing something for the landlords. I must ask the Government to reconsider this matter, and to allow the limit to be raised to a higher point than that at which they now propose to fix it.

Question put.

The Committee *divided*:—Ayes 191, Noes 138: Majority 53.—(Div. List, No. 336.) [12.10. a.m.]

Amendment, as amended, *agreed to.*

Mr. JOHN MORLEY (Newcastle-on-Tyne): I beg to move, as an Amendment, the omission of the words, page 6, line 22, "let and," the effect of which will be to exclude from the definition of town parks all holdings not used as ordinary agricultural farms.

Amendment proposed, in page 6, line 22, to leave out the words "let and."—(*Mr. John Morley.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, (Walton) : I regret to say that the Government are unable to accept the Amendment of the right hon. Gentleman, because it would not be fair to make the mere user of the land, which is entirely within the control of the tenant, the point on which is to be decided the question whether or no the land comes within the definition of a town park.

MR. MAHONY (Meath, N.): It appears to me that this Amendment, although comparatively a small one, raises what, in reality, is a very important issue. I think it is quite possible that, as the clause stands, many hundreds of town parks might be excluded from the benefit of the measure, owing to some old letting, which may have taken place heaven knows when; and I would, therefore, suggest to Her Majesty's Government that the matter is one in regard to which they might very fairly be asked to make a compromise. By agreeing to an Amendment to the effect that the holding must have been used as an agricultural holding for some years past they would entirely meet any objection such as has been urged.

MR. O'DOHERTY (Donegal, N.): I must ask the right hon. Gentleman to state explicitly to the Committee what is the intention of the Government on this point. Is it intended that the onus shall lie on the tenant?

MR. CHANCE (Kilkenny, S.): I only desire to interfere in this debate for a moment. The Attorney General for Ireland said it was quite necessary that the two conditions should exist, and his argument came to this—that because a certain farm was let as a town park, therefore, it was to remain a town park for all eternity. It seems to me that, coming from the Government, that is a dangerous argument.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster) : I must now appeal to hon. Gentlemen opposite as to whether the time has not arrived when a decision might properly be come to on this question. It is a matter of the very gravest importance that the Committee on this measure should be got through at the earliest possible moment; and the Bill is being placed in a position of great danger, unless we can make much greater progress than we have been making this evening.

MR. O'DOHERTY : I must press the Government for an answer to my question. I want to know what is the intention of the Government. Is it intended that the onus shall be thrown on the tenant, or upon the landlord?

MR. GIBSON : I could not assent to the Amendment. It would not be fair to make the mere user of land, which was within the entire control of the tenant, decisive as to whether it was or was not a town park.

MR. MAURICE HEALY (Cork): The remarks of the right hon. and learned Gentleman (Mr. Gibson) have considerably complicated the matter, which is one of great importance. He seems to hold that the test of letting land is not to be the express terms of the letting, but that the intention of the parties may be proved by something foreign to the contract. The decision which I think he has in his mind was one in reference to the letting of land in the County of Clare. There, although neither of the parties had made any express contract as to the mode in which the land was to be used, yet it was held by the Court of Appeal in Ireland—and their decision was affirmed by the House of Lords—that if the land was of such a character that it could only be used for pasture, the letting was for pasture. I think we are entitled to ask that if the tenant is to be excluded because the land is to be held otherwise than as an agricultural farm, that this should be collected from the terms of the contract, and that it should not be competent for the landlord to say that although there was no contract at the time of letting, still it should be held that the land was a town park. That is a matter of great importance, and I think the right hon. and learned Gentleman had better reconsider it. Whatever position the Government take on the subject, we are entitled to ask that if the landlord wants to include land as town parks, he should be compelled to allege a contract at the time of letting, and should not be allowed to set up some entirely extrinsic consideration against the tenant when he goes into court.

MR. EDWARD HARRINGTON (Kerry, W.): I think that what we want is that the onus of proving that the original letting was for agricultural purposes should not rest on the tenant, but that if he has been using the land as an ordinary agricultural farm, that he should not, for want of proof that it was let for that purpose, be debarred from entering the Court and getting a fair rent fixed. I think that object might be attained by inserting in the clause the words "or with the presumed consent of the landlord used." That Amendment would read in with the other words of the clause, and I think the Government have no good reason for refusing it. It only asks that if the landlord sees the tenant using the land as a farm, and makes no objection or protest, then the land should be treated as a farm.

MR. O'DOHERTY suggested that after the word "used" the words "without breach of contract" should be inserted.

Question put, and *agreed to*.

MR. O'DOHERTY (Donegal, N.): I now propose in page 6, line 22, to leave out "farm" and insert "land." The reason I do so is that as the clause now stands, if a man has a farm consisting of four or five parcels of land, it is only one farm, and a man may therefore lose his entire tenant right for the whole, though he would be entitled to it in respect of some of the parcels if they were taken separately. The Committee will see the importance of that in cases were the farm may be held from different landlords. A man may have plots from A, B, or C, inherited or bought. Why each of these parcels should not be a separate farm I do not see. If you honestly mean this do not use a word which will be held to exclude three-fourths of the town parks of Ulster.

Amendment proposed, in page 6, line 22, to leave out the word "farm," and insert the word "land" instead thereof.—(*Mr. O'Doherty.*)

Question proposed, "That the word 'land' stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): If we adopt this Amendment we shall destroy all town parks all through Ireland. Every town park may be of agricultural land—that is, it may include land which may be used for agricultural purposes. The essence of the distinction between accommodation land and that which is not accommodation land is that in the latter case the land is a farm.

MR. O'DOHERTY: Will you take the words "or part of a farm?" I want to save the tenant right of more than three-fourths of the tenants in Ulster of these town parks.

MR. A. J. BALFOUR: I will consider the words "or part of a farm."

Amendment, by leave, *withdrawn*.

Amendment proposed, in page 6, line 22, to insert after the word "farm," the words "or part of a farm."

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton) was understood to oppose the Amendment.

MR. MAURICE HEALY (Cork): I would say to the right hon. Gentleman that if he wants us to adopt the advice given us from time to time by the First Lord of the Treasury, he had better adopt a very different tone. I think there is a very good reason for this Amendment, and I think the point dealt with is one of great importance. I think there was a great deal of force in what the Chief Secretary said as to the Amendment which was moved by my hon. Friend (Mr. O'Doherty) a short time ago; but whatever objection there was to that Amendment there is none to this. The danger in which a tenant stands is this—that the Land Court may hold that land in the hands of a shopkeeper or a farmer is not a farm. That is what I am greatly afraid that landlords may succeed in getting Irish Courts to hold. I do not know whether the right hon. Gentleman is saving this and other points in order to raise them by-and-bye. I am not at all clear that the original form of this clause as it was introduced into the House of Lords was not the best for the Irish tenants. It then proposed to meet the difficulty which has arisen—namely, that, whereas the original intention of the Acts of 1870 and 1881 was, that land should not be a town park if it was not accommodation land, the Irish Courts construed these words, that if land could be used as accommodation land, they would hold it to be a town park, notwithstanding what the actual use was. There have been several decisions of the Courts in Ireland which can only be met by such a proposal as my hon. Friend has made. The right hon. Gentleman asks what advantage is to be gained by inserting the words "or part of a farm?" Is he not aware that the Land Commission Court has held that a holding is not in the occupation of a tenant unless the whole is in the occupation of a tenant? May it not be held that land is not a farm if it constitutes only part of a farm? [Mr. GIBSON dissented.] The right hon. Gentleman thinks that preposterous. Well, I think it preposterous that it should be suggested that a man is not in the occupation of a farm because he lets one acre out of a 100 acres. Yet the Irish Courts have held that, and their decision has been upheld by the Irish Court of Appeal. I will tell him of another decision. As he knows demesne land is excluded from the Act, and an Irish Court has held that if one acre of a farm was demesne land, that excluded the whole 100 acres, if the farm consisted of 100 acres. If, therefore, this land which is alleged to be a town park does not constitute a farm but only part of a farm, it may be held not to come within the exception. This Amendment is not moved in any factious spirit, but in order to meet what are tangible difficulties in the minds of those who have experience of the way in which Irish Courts deal with difficulties of this kind. It is, I can assure the Chief Secretary, not moved with any sinister motive.

MR. CHANCE (Kilkenny, S.): I would submit to the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour), with great deference to his superior knowledge of Parliamentary ways, that it would be now for the convenience of the Committee if he would explain his views on this matter to them, and not to Gentlemen sitting on the Treasury Bench. ["Order, order!"] I am perfectly in Order. I say it would be better that the right hon. Gentleman should state his opinion on this matter to the Committee, instead of discussing it on the Treasury Bench, where we have no opportunity of pointing out any mistake that he may unwittingly make.

Question put, and *negatived.*

Amendment proposed,

In page 6, line 26, to insert—"Provided always that such parcel of land shall be deemed to have been so let and used as aforesaid, where substantial consideration was given therefor to or with the knowledge of the landlord, or in accordance with the Ulster custom, or any usage similar thereto, or when such parcel of land is proved to be subject to the Ulster tenant right custom, or to any usage similar thereto, or where substantial improvements have been made on such parcel of land by the tenant thereof, in accordance with the practice of the estate."—(*Mr. Gilhooly.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I think that this Amendment appears to be inconsistent with what we have already done. It would, as far as I understand the matters referred to, prevent those which are town parks from being considered town parks at all.

MR. O'DOHERTY (Donegal, N.): If a man has paid for the tenant right of his farm at a certain rent, it is clear that he has not paid the whole value for the farm, and therefore it cannot be accommodation land. While it is possible to have the value of the improvements effected on a farm recovered on the eviction of the tenant, the Ulster tenant right for which a man has paid he cannot recover for. Why should a man get a tenant in under the Ulster custom, and then deprive him of the value of his improvements?

Question put, and *negatived.*

MR. M'CARTAN (Down, S.): I propose, in page 6, to leave out from the end of line 26 to the end of the clause. As this provision was not in the Act of 1881, I think it quite reasonable that I should move that it be omitted now. It is for the Government to say why it should be inserted.

Amendment proposed, in page 6, to leave out from the end of line 26 to the end of Clause.—(*Mr. M'Cartan.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): It is proposed to insert this provision in order to meet a great hardship that has been felt in some cases. It is an essential part of the description of a town park that it should be used and occupied by a person living in the town, and it is a real hardship that land used as a town park should cease to be a town park through the person entitled to it migrating to another place.

Mr. O'DOHERTY (Donegal, N.) said, that if the converse proposition were put, the Government would not accept it.

Mr. MAURICE HEALY (Cork): The right hon, Gentleman says that he proposed this provision in the clause because of a difficulty which arose—that is, a difficulty which arose in the way of a landlord rack-renting his tenant. This is making an inroad on the Act of 1881. Now, the general experience of that Act was that it was not too wide, but too narrow. But this provision tends to restrict and to narrow the definition of town parks, while we have striven to enlarge and widen it. I do not quite follow the reasoning of the right hon. and learned Gentleman. He complains that the law requires that land, to be a town park, should be occupied by a person living in the town. What can be more proper? Why should this not be the law? The common sense of the thing is that land should not be a town park unless it is occupied by a person living in the town, and that the moment it is occupied by a person not living in the town it ceases to be a town park. Why should that most excellent provision be interfered with? Any argument may be good enough to defend a provision in "another place" so long as it is an attack on the Land Act. But we expect here, that if Gentlemen attack that Act, they should give some reason for the faith that is in them.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 6, line 32, add, "A parcel of land shall not come within the said exemption, which but for removal of the occupier thereof into the city or town, or but for the fact that it devolved or became vested in a person living in such city or town, or in the suburbs thereof, would have been without the said exemption."—(*Mr. O'Doherty.*)

Question, "That the words proposed be there added," put, and *agreed to.*

Amendment proposed,

To add, at the end of the Clause, these words, "and this section shall apply as well to claims and applications already made, and appeals and rehearings now pending as to claims and applications to be made after the passing of this Act, and more especially to applications under the thirteenth section of 'The Land Law (Ireland) Act, 1881.'"—(*Mr. O'Doherty.*)

Question proposed, "That those words be there added."

The ATTORNEY GENERAL for IRELAND (Mr. Gibson) (Liverpool, Walton): We are now altering the law as to town parks, and I see a great difficulty, when Parliament is making a new law, in applying that retrospectively, so as to upset rights and titles which have been established by decisions of the Courts of Law. There would certainly be a danger in applying this clause to cases where decisions of the Courts have been actually given. If this provision were inserted in the clause, how could we answer the objections or meet the claims of those whose cases had been decided and not appealed? A man who had appealed would, under this provision, obtain an advantage which would not be obtained by a man who did not appeal.

Mr. M'CARTAN (Down, S.): The right hon. and learned Gentleman says that it would be a case of hardship to give those tenants whose cases have not been heard a benefit not given to those whose cases have been heard. I recollect, however, cases where a man who had appealed got his rent reduced, and when a tenant who did not appeal did not get his rent reduced. The former then got an advantage. The true principle is that when justice can be done it should be done.

Mr. O'DOHERTY (Donegal, N.): I would ask leave to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Purchase of Land.

Clause 7 (Investment of guaranteed deposit); and Clause 8 (Trust funds may be applied as a guarantee deposit), severally *agreed to.*

Clause 9 (Case wherein incumbrance is charged on several estates).

Mr. CHANCE (Kilkenny, S.): On this clause I have some observations to make. It deals with incumbrances. I may say I know two cases in which the landlords are £50,000 to the bad—that is, their interest in the land is £50,000 less than nothing, and yet they stand between the mortgagee and the tenant.

The point I wish to put is this—that the mortgagee, who is now able to sell to any stranger by private contract, or by auction, or any other way, should be enabled to sell to the person who could buy—namely, to the tenant. I would ask the Government to make some announcement in regard to this subject.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton) was understood to say that this matter would have to be discussed upon a subsequent Amendment, and that it would be better to leave the matter as it was until then.

MR. CHANCE: As this is a financial matter, perhaps the Chancellor of the Exchequer would make some declaration upon the point. It will have results of the utmost importance, and I therefore think we ought to have timely notice of the intention of the Government in regard to it, and no doubt it will affect the subsequent discussion upon the Bill. I put it to him as a financier, whether it is reasonable to prevent a mortgagee who is more than sole owner of the land, to sell to the person who can now buy, but who is prevented by the person who is less owner of the land than an absolute stranger?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): I will consult with the Chief Secretary and the Attorney General for Ireland, and give an opinion at a later stage.

Clause *agreed to.*

Clause 10 (Duty of Land Commission with respect to enforcement of arrears) *agreed to.*

Clause 11 (Expediting proceedings on sales).

MR. O'DOHERTY (Donegal, N.): I beg to move the Amendment standing in the name of my hon. Friend (Mr. Hooper), and to ask for an explanation from the Government of the meaning of this clause, or that part of it I propose to omit.

Amendment proposed, in page 9, line 1, to leave out the words from "any" to "thereof," in line 3, inclusive.—(*Mr. O'Doherty.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): All of us who are acquainted with the holding of farms in Ireland know that it is very difficult to make out titles, and the Land Commission thought there should not only be power to investigate the title, but that it was their duty to investigate the tenant's title. The result of that is to create a burden of costs on the sale. The object of the words proposed to be struck out is to enable the Land Commission to recognize the contract with the vendor, and that this shall be dealt with in the sale. It is a valuable provision, and I hope the hon. Member will be satisfied to accept the words as they stand.

MR. O'DOHERTY: I moved an Amendment in the very terms and sense of the words of the clause as they are here, and I appealed to the Committee, I appealed to the Government, and I almost grovelled before the right hon. and learned Gentleman to have the same mercy for these people coming under the same Act; but he, having such faith in Lord Ashbourne's Act, refused to accept the Amendment. This is deliberately done now for the purpose of showing how impossible it is for us to get the same terms for our side that they ask for theirs—they want to facilitate purchase, we want to facilitate fair rent. The right hon. and learned Gentleman refuses; but he will facilitate purchase upon unfair rent. I showed that in those cases where Lord Ashbourne's Act had been used to get public money, that where a father made a bogus tenancy with his son, and made an agreement for sale, everything was in apparent order, and that they got money at 3½ per cent from the British Exchequer and were robbing the Irish tenants.

MR. MAURICE HEALY (Cork): I would like an explanation on certain points in regard to this clause. This clause is to provide for the case of a tenant who cannot technically make out his title; it, therefore, may follow that the tenant who has not a good title may purchase the land under this clause; that necessarily follows, and what I would ask, Sir, is this—If such a case arose, if a tenant who had not a good title bid for it, and succeeded in getting the whole of the purchase money advanced by the Government, and he had paid off one-fifth, in what position would he be in to recover that in case the real owner of the tenancy, who would be the real owner of the land, came forward and executed the trust created by this clause on the tenancy?

Mr. GIBSON: It is hardly fair to ask me that which I would be most happy to communicate to him in the usual way in Ireland. I would say, however, it is my opinion the tenant would be entitled to his money; he would have a paramount lien and would be able to recover.

Mr. CHANCE (Kilkenny, S.): May I ask another question upon this? It is a serious question, and is not put with the view of defrauding the right hon. and learned Gentleman of his lawful honorarium. Supposing a bargain were made that he will undertake a certain liability to pay a certain sum of money, will the real tenant be liable to pay that, to complete that bargain afterwards? I understand that under Lord Ashbourne's Act, if the transaction is carried out by a vesting order, the real tenant would only have invested in him the liability of 49 years.

Mr. GIBSON: I must assume the man who has got the real title would be affected by the operation in some way or other. The way would probably be this—if he wanted to take benefit of the transaction, he must come in and acquiesce.

Mr. CHANCE: I do not want to press the right hon. and learned Gentleman too hardly; but if the position is this, that as the bargain is to be made by the person not the tenant and not entitled, is the real tenant to be asked to take up the estate encumbered by a bad bargain?

Mr. GIBSON: My impression is that the gentleman is not likely to suffer much from this.

Mr. CHANCE: Will the right hon. and learned Gentleman consider the question between this and Report?

Mr. GIBSON: Yes.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 12 (Crown rents, quit rents, and tithe rent-charge).

Mr. Serjeant MADDEN (Dublin University): The object of the Amendment standing in my name is this—as the clause now stands, it restricts the power to the case of sales to tenants, while the Land Commission has power to sell to others; and it is for the purpose of extending the power that I move this Amendment.

Amendment proposed, in page 9, line 9, to leave out the words "to a tenant." —(*Mr. Serjeant Madden.*)

Question, "That those words be there left out," put, and *agreed to.*

Mr. Serjeant MADDEN: I beg to move the next Amendment, which is necessary to correct an error in drafting.

Amendment proposed, in page 9, line 32, after the word "Crown," insert the words "or quit." — (*Mr. Serjeant Madden.*)

Question, "That those words be there inserted," put, and *agreed to.*

Amendment proposed, in page 9, lines 35 and 36, leave out the words "tithe rent-charge payable to the Land Commissioners or of."—(*Mr. Serjeant Madden.*)

Amendment *agreed to.*

Amendment proposed,

In page 9, line 37, after the word "works," insert "or redemption of tithe rent-charge payable to the Land Commission." — (*Mr. Serjeant Madden.*)

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 13 (Apportionment and redemption of annuities and charges).

Amendment proposed, in page 10, line 7, after the word "annuity," insert the word "or."—(*Mr. Serjeant Madden.*)

Question proposed, "That the word proposed be there inserted."

Mr. PARNELL (Cork): I should like to know the effect of this Amendment, which appears to me very different to the other Amendments of the hon. and learned Member, and seems to have a thoroughly narrowing effect upon the clause as it stands now.

Mr. Serjeant MADDEN (Dublin University): The object of the Amendment is this. There is existing, independently of this Bill, a power to apportion rent in the Land Commission under the Act of 1885, which incorporates a section of the Landed Estates Court Act, and it is inexpedient to give another and a narrower power. The power under the Landed Estates Court Act applies to rent generally; and it is quite unnecessary there should be two distinct Statutory powers, which might give rise to some difficulty. I can assure the Committee that, so far from narrowing the power of the Land Commission, the object of the Amendment is to prevent the extensive powers under the Landed Estates Court Act being narrowed by this clause.

MR. HALDANE (Haddington): I am satisfied with the assurances of the hon. and learned Gentleman, whose authority on a question such as this we all recognize; but I should be glad to know distinctly if the Government concur in the view the hon. and learned Gentleman has taken, because I remember in the discussion in "another place" special importance was made of the necessity of this clause, which was brought in by Lord Monteagle, with the full sympathy of Lord Ashbourne, and this, I understand, is the result of what took place. The clause is most important, from the great difficulty that has been found in regard to apportionments. If the Government have considered the matter, and concur, I shall be satisfied.

MR. GIBSON: I do concur.

Question put, and *agreed to.*

On the Motion of Mr. Serjeant MADDEN, the following Amendment made:—In page 10, lines 7 and 8, to leave out the words "or head rent."

Amendment proposed, in page 10, line 8, after the word "expedient," insert the words "and it shall appear just so to do."—(*Mr. Serjeant Madden.*)

Question proposed, "That those words be there inserted."

MR. PARNELL (Cork): This appears to be a narrowing Amendment.

MR. SERJEANT MADDEN: This Amendment is, to a certain extent, perhaps, a narrowing Amendment, and does require more explanation than the former Amendments. There is a power of apportionment given under the Landed Estates Court Act, and, under that Act, it was thought right, to prevent injustice to an annuitant upon an estate, which estate is the subject-matter of several holdings, that there should be this safeguard, that the Court before apportioning should consider the whole circumstances of the annuity, and see that no injustice be done. This provision is introduced in the Landed Estates Court Act, and it is considered right that the interests of owners of rent and annuities should be protected by similar words in the present Bill, and it would prevent an injustice that might possibly occur.

MR. MAURICE HEALY (Cork): As my hon. Friend (Mr. Parnell) has said, this is a narrowing Amendment. It is a narrowing Amendment as it is an Amendment to prevent sales when the Court thinks it would do injustice to annuitants, or other persons. The hon. and learned Gentleman has not made it plain to me what precise necessity there is for it.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): If there is any objection to the Amendment, it will not be pressed.

MR. MAURICE HEALY: The words are synonymous with words that are already in the clause.

Question put, and *negatived.*

On the Motion of Mr. Serjeant MADDEN, the following Amendments made:—In Clause 13, page 10, line 10, after "annuity," insert "or;" in line 11, leave out "or head rent;" in line 20, leave out "head rent," and insert "rent;" in line 22, after "1870," insert—

"The last mentioned power of apportionment may be exercised in any case, notwithstanding that it may have been agreed that the sale shall be carried into effect by means of a conveyance;"

in line 24, leave out "head rent," and insert "rent;" in line 27, leave out "head rent," and insert "rent."

Amendment proposed,

In line 27, after "thereof," insert "and may, notwithstanding the fact that no apportionment has been made, order the redemption of any annuity, rent-charge, or rent affecting land sold."—(*Mr. Serjeant Madden.*)

Question proposed, "That those words be there inserted."

MR. CHANCE (Kilkenny, S.): I think we need a word of explanation on this point. It seems to me it would enable the Land Commission to say—"here is a rent that applies to land other than the land sold, and we compel you before the land is sold to redeem." I am afraid it would give that power; but I am perfectly certain I can rely on a very candid and satisfactory answer from the hon. and learned Gentleman.

MR. SERJEANT MADDEN (Dublin University): I shall shortly explain the object of this addition. As the clause now stands, suppose an annuity or rent of £100 a-year affected an estate, and the estate was being sold in two lots to two tenants, the Court would have the power to apportion and then to redeem; but the effect of the clause as it originally stood was that supposing the annuity affected one holding only, there would be no power to redeem. It would be necessary in order to redeem to go through the process of apportionment.

MR. MAURICE HEALY (Cork): As I understand it, the clause drawn originally was in the interests of the landlord—I think I am right in saying that—that is to say, if the Land Commission did affect this apportionment which might prejudice the landlord, he might ask that the whole thing should be redeemed, and this is an extension of that power that the landlords are not to be prejudiced.

MR. SERJEANT MADDEN: No, Sir, the clause, taken as a whole, could not be called in favour of the landlord. It is a section that facilitates sales. I am sure Gentlemen of experience—it is the result of my experience—must have felt the extreme difficulty of carrying out sales to tenants where there is an over-riding charge of any kind.

MR. CHANCE: I do not think the hon. and learned Gentleman has quite caught the point. The 3rd sub-section of the clause commences—

> "The Land Commission shall, on the application of the person entitled to a part of an annuity, rent-charge, or head rent apportioned by them upon land sold, and may, if they think it expedient, without such application, order the redemption of such annuity;"

and so on. The hon. and learned Gentleman will follow me. A person entitled to part of an annuity may, by application to the Court, compel the Court to order the redemption of the whole. That is the blot of the clause, and the Amendment does not affect that, and it will still be in the power of the person to compel the Court to redeem the whole.

MR. SERJEANT MADDEN: The sub-section of the clause begins, no doubt—

> "The Land Commission shall, on the application of the person entitled to part of an annuity,"

and it goes on—

> "Without such application order redemption of such annuity."

What these additional words were intended to meet was this—the cases in which it might be proper to redeem without apportionment.

MR. CHANCE: These words are all right; but it does not cover the whole case, and I would ask the hon. and learned Gentleman to say if, under the clause as it stands, it would be in the power of a person holding 10*s.* out of £100 a-year, by application, to compel the Land Court to redeem the whole? That is not desirable, and I therefore trust it will be looked into.

MR. SERJEANT MADDEN: I will communicate with the Attorney General for Ireland upon this question.

Amendment *agreed to.*

On the Motion of Mr. Serjeant MADDEN, the following Amendments made:—In page 10, line 33, after "1870," insert—

> "The award of the Court of Arbitrators shall be recorded in the Court of the Land Commission, and the provisions relating to the Civil Bill Court, in the said Schedule contained, shall, for the purposes of this section, be taken to apply to the Land Commission."

On the Motion of Mr. Serjeant MADDEN, the following Amendment made:—In page 10, lines 35, 36, and 39, leave out the words "head rent," and insert the word "rent."

MR. HALDANE (Haddington): I wish to draw attention to what seems to be a mistake of a technical nature in the drafting of line 40. The words "principal moneys" are used there in connection with a reference to the Settled Land Act. I am familiar with every line of the Settled Land Act, and there is no such phrase in it as "principal moneys." It should be "capital moneys," and as the proper use of this term carries with it important consequences, I move to leave out "principal," and insert "capital."

Amendment proposed, in page 10, line 40, to leave out the word "principal," and insert "capital."—(*Mr. Haldane.*)

Question proposed, "That the word "principal" stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The hon. Member is quite right. I assent to the Amendment.

Question put, and *negatived.*

Question, "That the word 'capital' be there inserted," put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 14 (Limit on advances by Land Commission).

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I beg to move, in page 11, line 5, to leave out "five thousand," and insert "two thousand five hundred." This is an Amendment which I have put down in the interests of the British taxpayer. I quite admit that the clause as proposed by the Government contains a limitation which is in the interests of the British taxpaper. I only want to go a little farther. I think it will be admitted that the advance of money is to be at a very cheap rate. Half the rate at which a loan could be obtained in the market will be a very great boon to the tenants. I do not think that such a rate could be justified on financial or economical grounds; indeed, it is only on political grounds an advance of this kind can be supported. On political grounds, I think that such an advance can only be justified in the case of the small tenants. I do not think we are bound to give this boon to the large farmers. Now, £5,000 is a large sum. Supposing the purchase is made at 20 years' purchase on the net rent, £5,000 would cover the case of a farmer paying £250, say, £300 a-year. I say that it is not necessary for us to advance money in a case of that kind. I will take the case of one of my own countrymen. A Scotch farmer goes over to Ireland and takes a large farm, with a number of small tenants on it, at a rental of £500 or £600, and this is reduced in the Land Court to £300 or £400. In that case, he will be able to borrow the money to purchase the estate at 3 per cent. I say that is going too far. The Government propose a limitation of £5,000. I should like to confine the advances to the cases of tenants with £150 a-year; and I think that if we limited the advance to £2,500 we should about hit the mark. I hope the Government will accept this Amendment. If they do not, I say that the British taxpayer, who in a case of this kind has not many friends, must suffer.

Amendment proposed, in page 11, line 3, to leave out the words "five thousand," and insert the words "two thousand five hundred."—(*Sir George Campbell.*)

Question proposed, "That the words 'five thousand' stand part of the Clause."

MR. LEA (Londonderry, S.): I hope the Government will not accept the proposal of the hon. Gentleman. It is very desirable that we should encourage purchase as far as possible in Ireland, and it is necessary that the tenants of both large and small holdings should agree to purchase. If you reduced the limit from £5,000 to £2,500, the possibility is that you would do very much to prevent the tenants of large holdings from purchasing. I hope, therefore, that the Amendment will not be adopted.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The hon. Gentleman who moved this Amendment said he did so in the interests of the British taxpayer. Well, as far as I can understand, the British taxpayer is protected by this clause, because the effect of it is to prevent the tenant from borrowing on more than one transaction, or going beyond a certain limited amount. The intention is that no single individual shall be at liberty to increase the total aggregate of his borrowing to over £5,000. But I may call attention to this—that, as far as the security of the taxpayer is concerned, not only do we limit the total amount to be lent to individuals, but we provide that a considerable percentage shall be provided by the individual himself, the result being to insure that the farmer is a solid and substantial man. It is very desirable, of course, that the benefits of the measure should be extended to the small tenants; but, at the same time, the interests of the strong and solid tenants ought not to be forgotten. The limitation is adopted so as to prevent an undue drain being made on the public funds by any single man, and also to give greater security.

SIR GEORGE CAMPBELL: I quite understand that the proposal of the Government is a distinct limitation, and, in the name of the British taxpayer, I thank them for it. I should like to go a little further. I am against a large extension of this system of purchase, except from a political point of view. I do not think we are bound to assist in training the well-to-do farmer into a landlord. As, however, Irishmen in all parts of the House seem to be united in opposition to my Amendment, I will not press it to a Division.

THE CHAIRMAN: Is it your pleasure that the Amendment be withdrawn?

SIR GEORGE CAMPBELL: No; I do not withdraw it, Mr. Chairman. I will have it negatived.

THE CHAIRMAN: I understood that the hon. Member wished to withdraw it.

SIR GEORGE CAMPBELL: No, Sir.

DR. CLARK (Caithness): I object to the Amendment being withdrawn, and I wish to support it. I think that you will have a difficulty very soon in the congested districts of Ireland, and will require to have a migration from the hills to the plains. Take the case of the right hon. Gentleman the Chief Secretary, who represents Ireland here. He is a very good landlord. Well, on the famous plains of Boyle, with their beautiful alluvial land, there are no people at all, except big graziers. All those who used to be there are on the hills, and what you have to do is to bring them down from the hills. I think that both on the ground that we ought not to pledge the British taxpayer too far, and that we ought not to do anything to perpetuate the large holdings, but ought rather to make it possible for the people to go back to the land, the Amendment is deserving of support.

Question put, and *agreed to.*

MR. MAHONY (Meath, N.): I beg to move the Amendment which stands in my name—namely, in page 11, line 3, after "all," insert—

> "Nor shall the Land Commission, in considering the security for any advance, take into account, as a security, tenants' improvements within the ninth sub-section of section eight of 'The Land Law (Ireland) Act, 1881,' or any guarantee deposit within section three of 'The Purchase of Land (Ireland) Act, 1885.'"

I have two objects in view in moving this Amendment. One is to enable the tenant to retain his own property; and the other, which I commend to the hon. Member for Kirkcaldy (Sir George Campbell), as the representative of the British taxpayer, is to protect the British taxpayer. Now, hon. Members are aware that the Purchase Act is supposed to be carried out by mutual agreement between the landlord and the tenant; but we contend that in many cases the tenant is forced to agree to unfair terms of purchase. What has been taking place in the past? What has occurred is clear from the following facts. The right hon. Gentleman the Chief Secretary (Mr. A. J. Balfour), in answer to a Question I put to him some time ago, informed me that in 67 cases in which the Land Commission had originally refused to purchase on terms of purchase supposed to have been arrived at by mutual agreement between landlord and tenant, they subsequently did sanction purchases, but only after the aggregate of the purchase-money had been reduced from £61,000 to £50,000. That shows that in these 67 cases the unfortunate tenant, by some means or other, had been forced to agree to purchase at an extravagantly and unfairly high price—so high, indeed, that the Land Commission refused to sanction the terms, although they had as security, not only the property the tenant was supposed to be purchasing, but also the additional security of all the tenant's improvements. Now, that is what it has been possible for the landlord to do in the past. What will the landlord be able to do in the future? Since these 67 cases came under the notice of the Land Commission the Government have passed a Coercion Act, and they told us, whilst passing it, that one of their objects in view was to enable them to carry out their policy of purchase. Further than that, the Coercion Act will be an extra screw on the unfortunate tenant to make him purchase. In view of the amount of the pressure the landlord will be able to bring to bear on the tenant to force him to purchase, I propose to afford the tenant some real protection through the Land Commission. My proposal is, that in considering the security for the money to be advanced, the Land Commission shall take into account the property which it is the intention of the tenant to purchase, but shall not be able to consider property which does not belong to the landlord, and which is not supposed to be purchased by the tenant. Now, this applies only to the Commission not taking into account the tenants' improvements.

There is also another part of the Amendment which provides that the Commission shall not take into account the guarantee deposit. I contend that this guarantee deposit was intended to be an extra security to the taxpayer; but it is quite possible that it will not be an extra security at all. Take the case of a farm worth £800, excluding the tenant's improvements. The Land Commissioners, if they took into account the guarantee deposit, and if they believed that the farm itself was a good security for £800, would be fully justified in advancing £1,000, because, whilst the farm would be security for the £800, the purchase-money lodged with them would be security for the rest. I will not now detain the Committee any further. I have brought my reasons for this Amendment before them, and I ask for an answer.

Amendment proposed,

In page 11, line 3, after the word "all" insert the words, "nor shall the Land Commission, in considering the security for any advance, take into account as a security tenants' improvements within the ninth subsection of section eight of 'The Land Law (Ireland) Act, 1881,' or any guarantee deposit within section three of 'The Purchase of Land (Ireland) Act, 1885.'"—(*Mr. Mahony.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I hope the hon. Member will not press this Amendment to a Division, because it is one which, if agreed to, would limit the benefits of the Purchase Act considerably, and, more than this, it would make the Purchase Act unworkable, because it would cause inquiries of such a kind as would render the Act nugatory.

MR. MAURICE HEALY (Cork): I am afraid we can hardly be content with the right hon. Gentleman's answer that this is a limiting Amendment. There are limits and limits. If this would be a limit on the power of the landlord to extort an unfair price, I am afraid it can hardly be regarded as an answer to say that it is a limiting proposal. The position is this. We feel there is the greatest danger that tenants in Ireland, for one reason or other, either under the existing law of purchase, or under any future scheme which may be adopted, may be induced to give too much for their holdings. That this is not an illusory fear, I will prove by some experience which I have myself had during the past month. Two tenants came to me, and told me that they had entered into an agreement with their landlords for the purchase of their holdings, and that the Land Commission had written to them refusing to sanction the purchase. When I inquired into the matter, I found that the Commission had refused to carry out the agreement because they considered that the price was too high. I accordingly wrote to them, asking what they regarded as a fair price. The Commissioners wrote back, saying that if £100 were cut off the purchase-money in one case, and £50 in the other, they would agree to that. Well, the landlords jumped at the offer of the Land Commission to reduce the purchase-money by those amounts. Now, Sir, if the Land Commission had an absolute power to protect the tenants in cases of this kind, there would be no necessity for this Amendment. But the difficulty is that their power is one not to protect the tenants but to protect the State. If the estate, including the tenant's improvements, is of sufficient value to secure the advance, they have no power to say—"Although the farm is value for that amount it was made value for it by your own exertions." No doubt, the scheme proposed by my hon. Friend is somewhat artificial; but, at any rate, it would afford some protection to the tenants, and some protection is needed, as anyone who comes in contact with the tenants in a professional way must be aware. When hard pressed for his rent the tenant is too apt to jump at anything the landlord may propose to him for relief from the present pressure, only to find in the course of time that he has made a very improvident bargain. I only hope that the Government will consider this matter, and that if they are averse to this particular form of protection, they will, in some way, at any rate, seek to protect, not merely the tenants, but the taxpayers, from the danger of improvident bargains of this kind. The answer of the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) that the Amendment would involve inquiry, is, to my mind, no answer at all. It is the very virtue of the proposal that it would involve inquiry, and I can imagine no happier state of things than one in which the most stringent inquiry took place.

Mr. FLYNN (Cork, N.): I desire to press this Amendment on the attention of the Committee. I am acquainted with several cases in my own constituency in which advantage has been taken of the tenant's distress to press him to buy from the landlord under Lord Ashbourne's Act on terms the most inequitable, and terms which it was almost impossible for the tenant to carry out. I should like to give an illustration of how the thing will work, unless some restraining power is given to the Land Commission. Several tenants came to me with reference to a proposed purchase under Lord Ashbourne's Act. I consulted several of their friends on the subject, and they thought the price far too high. The price was 23 years' purchase on a very high judicial rent. When I pressed the tenants for the reason why they consented to these very extraordinary terms they said—"Oh, sure, if we can't meet the instalments in two or three years' time, we can have another turn round and go off it." Well, I say that in any scheme which the Government adopt the very basis of the undertaking must be final, and there should be no possible chance of repudiation on one side or the other. It may be urged that this Amendment is unnecessary; but I think my hon. Friend the Member for Cork (Mr. Maurice Healy) has pointed out very clearly that it is necessary to give the Commission some power of this kind. If the Amendment is inserted, it will, at least, be a matter of guidance to the Commission as to the way they should act.

Question put, and *negatived.*

Clause *agreed to.*

Clause 15 (Charging order for securing payment of advance).

On the Motion of Mr. Serjeant Madden, the following Amendment made:—In page 11, line 9, after the word "order" insert—

> "Or in any order made by a Land Judge of the Chancery Division of the High Court of Justice in Ireland, under the provisions of the Land Law (Ireland) Act."

Clause, as amended, *agreed to.*

Clause 16 (Priority of charge for advance); Clause 17 (Writ of possession); and Clause 18 (Specific performance), severally *agreed to.*

Appeals.

Clause 19 (Provision for hearing of appeals under the Land Act).

Mr. PARNELL (Cork): I will now ask the Government to report Progress, and perhaps they will tell us what they have finally decided in reference to Clauses 19, 20, and 21.

Mr. A. J. BALFOUR: With regard to Clauses 19 and 20, the Government feel, with some reluctance, that in the present state of Business they cannot press them.

Mr. PARNELL: As to Clause 21, I think it would be very desirable that we should have our Amendments on the Paper before discussing it. There are important points in connection with the clause which will have to be attended to, and I therefore ask what course the Government think of following in regard to it.

Clause *struck out* of the Bill.

Clause 20 (Procedure on appeals) *struck out* of the Bill.

Clause 21 (Remission of local rates).

Mr. A. J. BALFOUR: I quite understand the position of hon. Members opposite on this clause, and I shall be glad to hear what views they take with regard to it.

Mr. PARNELL: Will the right hon. Gentleman agree, at all events, to postpone the clause?

Mr. A. J. BALFOUR: Yes; I will postpone it. I beg to move its postponement.

Motion made, and Question, "That Clause 21 be postponed,"—(*Mr. A. J. Balfour,*)—put, and *agreed to.*

Equitable Jurisdiction.

Clause 22 (Power of court to stay eviction).

Mr. A. J. BALFOUR: Mr. Courtney, I beg to move, Sir, that you report Progress.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. A. J. Balfour,*)—put, and *agreed to.*

Committee report Progress, to sit again upon *Monday* next.

AGRICULTURAL LABOURERS' HOLIDAYS (SCOTLAND) BILL.—[BILL 311.]

(*Mr. Thorburn, Mr. Barclay, Dr. Clark.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Act to apply to Scotland only) *agreed to.*

Clause 2 (Farm servants to be entitled to four holidays).

MR. ESSLEMONT (Aberdeen, E.): With regard to this clause I find that there is a certain objection taken to it by the farmers in my constituency, in respect that there is no suitable provision made for live stock upon the farm. It has occurred to them that if the holidays were arranged as they are here in the Bill the employer would have no power to command as much service as would be required to attend to the live stock. I therefore propose to add, after the word "otherwise," in line 8—

> "The master shall be entitled to require such reasonable service as may be necessary for the proper care of the live stock, provided always that this shall not deprive the servant of at least one complete holiday every three months."

I understand the promoters of the Bill are prepared to accept the Amendment, and so, without detaining the Committee further, I move it accordingly.

Amendment proposed,

> In page 1, line 8, after the word "otherwise," to insert the words "the master shall be entitled to require such reasonable service as may be necessary for the proper care of his live stock: provided always, that this shall not deprive the servant of at least one complete holiday every three months."—(*Mr. Esslemont.*)

Question, "That those words be there inserted," put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 3 (New Year's Day, the first Saturdays in March, July, and October to be the holidays).

Amendment proposed, in page 1, line 10, to leave out the words "the first Saturday of," and insert the words "one day, not being Sunday, in."—(*Mr. Thorburn.*)

Question proposed, "That the words 'the first Saturday of' stand part of the Clause."

DR. CLARK (Caithness): I am rather opposed to the Amendment of my hon. Friend (Mr. Thorburn), because I am afraid that, if it is carried, it will introduce a very awkward state of things. Probably, you will have various holidays at various places, and servants visiting each other on the farms will prevent work being done. It is much better, in my opinion, if you are going to have statutory holidays, to have the days fixed rather than to have changes in this way. One set of holidays in one district and one set of holidays in another will only introduce perplexity into a very simple matter.

MR. THORBURN (Peebles and Selkirk): I have to say in reply to my hon. Friend (Dr. Clark), that I have moved this Amendment in consequence of representations made to me by many farmers in my constituency. They seem to think that the fixing of one unalterable day will cause a great deal of inconvenience, and they are convinced that the alteration proposed would make the Bill more workable. I hope my hon. Friend will not press his objection.

Question put, and *negatived.*

Question, "That the words 'one day, not being Sunday, in,' be there inserted," put, and *agreed to.*

MR. THORBURN: For the reason I have just stated I beg to move the next Amendment on the Paper. It is consequential upon the one which has just been passed.

Amendment proposed,

> In page 1, line 11, after the word "October," to insert the words "The employer shall determine the day of the month on which the holiday is to be held, and give the servant at least ten days' previous notice of the day so fixed; and, if such notice be not given, then the second Saturday of the month, in which it is herein provided the holiday shall be held, shall be the holiday for that month."—(*Mr. Thorburn.*)

Question, "That those words be there inserted," put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 4 (Other days may by agreement be substituted).

MR. ESSLEMONT (Aberdeen, E.): Now we come to Clause 4, and although I do not wish to oppose the clause, I do not think it is altogether necessary, especially considering the position of the masters and the circumstances under which they arrange with their servants. Unless the promoters of the Bill can prove any occasion for it, I hope the clause will be withdrawn.

Mr. THORBURN (Peebles and Selkirk): If my hon. Friend and the House generally is in favour of that course, I have no objection.

Motion made, and Question, "That Clause 4 be added to the Bill," put, and *negatived.*

Dr. CLARK (Caithness): I beg to move the new clause of which I have given Notice. The object of the Amendment is to secure for farm servants in Scotland one half-holiday in every month—that is to say, that on the last Saturday in every month they shall cease work at three o'clock in the afternoon. The Scotch farm servant is hired by the half-year, he works practically every day, and he has no holidays. The artizan gets his holidays every Saturday afternoon, and what I now propose is to give to the Scotch agricultural labourer, once a month, what other labourers have four times a-month.

New Clause—

(Half holiday of farm servants.)

"On the last Saturday of every calendar month farm servants shall be entitled to a half-holiday, and the day's work on such Saturdays shall end at three of the clock. No deduction from the wages of a servant shall be made in respect of such half-holidays,"—(*Dr. Clark,*)

—*brought up,* and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

Mr. THORBURN (Peebles and Selkirk): I am sorry I cannot accept the Amendment of my hon. Friend. I have consulted a great number of farmers and also labourers, and so far as I have been able to judge, there seems to be no demand for this on the part of the servants, while the employers think it unreasonable. I hope my hon. Friend will withdraw his Amendment.

Mr. ESSLEMONT (Aberdeen, E.): I cannot think my hon. Friend (Dr. Clark) is serious in moving this Amendment; because, being one of the promoters of the Bill, and this matter having been before the public of Scotland for some time, he has sprung this Amendment upon the Committee with very little Notice. The Amendment is more far-reaching than the Bill itself, and I cannot suppose the hon. Member intends seriously to advocate this new clause. If he does we shall have to discuss a very large and important principle, introduced for the first time into an Act of this sort.

Dr. TANNER (Cork Co., Mid): I regret that I was not in the House when this Order was reached, so that I might have moved the Amendments standing in my name on the Paper. But I shall certainly have the greatest possible pleasure in supporting the proposal of the hon. Member for Caithness (Dr. Clark). I should like, in the first place, if the Committee will permit me, to state my reasons for having interposed an obstacle to the progress of the Bill. Believing in an old and well-known motto, when I saw a Liberal Unionist introducing a Bill like this, then, certainly——[An hon. Member: Question.] Hon. Members may call out "Question" if they like; but, at any rate, when a measure like this is introduced by an hon. Gentleman belonging to the Unionist Party, of course we have to look at it with a certain amount of suspicion and doubt——

The CHAIRMAN: Order, order! I must point out that the hon. Member is not speaking to the Amendment introduced by the hon. Member for Caithness (Dr. Clark). That is the question before the Committee.

Dr. TANNER: Certainly, Sir. I was trying, as far as I could, to confine myself to the Amendment, and I hope to be allowed, with your indulgence, and the indulgence of the Committee, just to inflict these few remarks as being pertinent to the present occasion. I really must say that when we have a Bill of this sort introduced by a Unionist Member——

The CHAIRMAN: Order, order!

Dr. TANNER: Well, Sir, I will not pursue that line of argument. I really want to back up the Amendment of the hon. Member (Dr. Clark), for I think we should try and gain as much as we possibly can for these agricultural labourers of Scotland. When I see hon. Gentlemen, who I know to be associated with the cause of Ireland, associated also with a proposal of real benefit to these agricultural labourers, I am anxious to stand by them to the end of the chapter. I sincerely hope that the Amendment which has been moved by my hon. Friend (Dr. Clark) will obtain the consideration and support of all true Liberals, and there happen to be some true Liberals even on the other side of the House. I was not here to move the Amendments I had put on the Paper; but I trust that we may still get what I there suggested—that is, six holidays in the year for these people instead of four.

Dr. CLARK: I must press this Amendment, and I must point out to the Committee that you are giving nothing to the agricultural labourer by the Bill. You are simply making statutory what we had in the past in the shape of fast days, when people did not fast, but did the reverse; and you are now going to recognize it, and place it on a different footing. Now, as it is not proposed that they should have any more holidays than they previously enjoyed, I suggest that they should have a half-holiday once a month—a dozen in the year, that is. Can you suppose that farm labourers will work day in and day out, week in and week out, without any holidays? They want some time for amusement, for education, for the cultivation of their minds. They are at the bottom of the ladder; they bear all the agricultural burdens, and I know they will not stand it much longer. My hon. Friend (Mr. Esslemont) represents the farmers' view here; but I tell him that if he continues to do so, the labourers will have something to say to him at the next General Election. These men are not in the same position as the agricultural labourers of England, who are paid a weekly wage and go home at night. They live on the farm; and they are pigged in places which you would not put your dogs or your horses into. I have asked for an inquiry into their condition; but the Government will not give it. They work seven days a-week. They are never out of their employer's house, or off their employer's land; they have no time to themselves, and I do not think it is too much to ask that once in each month they shall be released from their work at 3 o'clock in the afternoon, and have the rest of that day to themselves.

Mr. ESSLEMONT: Perhaps the hon. Member (Dr. Clark) will allow me to deal with my own constituents, and concern himself more particularly with Caithness. I believe that in my constituency there are a much larger number of agricultural labourers than in Caithness-shire; and I may inform my hon. Friend, lest he should be in any doubt about it, that I have consulted a large number of the farm servants of East Aberdeenshire—who are a rather intelligent and independent set of men—and with regard to having a half-holiday on certain Saturdays, of course they are willing enough; but they want to have some sort of Home Rule on the subject. Probably my hon. Friend forgets that these men are not under the Factory Acts, and consequently not limited to any fixed number of hours per week. Without, perhaps, professing so much, I think I have the interest of farm labourers at heart just as much as my hon. Friend has, and I claim for them that this matter shall receive more consideration before we give them a half-holiday of only three hours monthly by Act of Parliament.

Question put.

The Committee *divided*:—Ayes 22; Noes 66: Majority 44.—(Div. List, No. 336.) [2.15 A.M.]

Remaining Clause *agreed to*.

Bill *reported*; as amended, to be considered upon *Monday* next.

House adjourned at half after Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, 1st August, 1887.

MINUTES.]—Public Bills—*Second Reading*—Statute Law Revision * (192); Escheat (Procedure) * (193); British Settlements * (189); Secretary for Scotland Act (1885) Amendment (194).

Committee—Smoke Nuisance Abatement (Metropolis) (175), *negatived*.

Report—Merchandise Marks Law Consolidation and Amendment * (201-203).

Third Reading—Legitimacy Declaration Act (1858) Amendment * (202), and *passed*.

Provisional Order Bills—*Third Reading*—Local Government (Ireland) (Ballyshannon, &c.) * (163), and *passed*.

Withdrawn—Elementary Education Confirmation (Middleton St. George) * (93).

NEW PEER.

The Right Honourable Henry George Percy (commonly called Earl Percy) having been summoned by writ to the House of Lords in his father's Barony of Lovaine—Was (in the usual manner) introduced.

UNITED STATES OF AMERICA AND CHINA — REPORTED ESTABLISHMENT OF A BANK.

QUESTION.

THE EARL OF ROSEBERY: I wish to ask the noble Marquess the Secretary of State for Foreign Affairs, Whether he is able to confirm or contradict a telegram which has appeared in *The Standard* of to-day, stating that an American and Chinese bank has been established, with a capital of £200,000,000 sterling?

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): No; I have received no information on the subject; but it is fair to say that, this being a matter not directly concerned with the Foreign Office, our representative may not have thought it worth the expense of telegraphing.

ISLANDS OF THE SOUTH PACIFIC—THE NEW HEBRIDES—ACTION OF FRANCE.

OBSERVATIONS.

THE EARL OF ROSEBERY: I also desire to put a Question to the noble Marquess on a point upon which I need not dwell, because it has been so constantly before your Lordships. I cannot disguise from the noble Marquess that there exists a feeling of great apprehension with regard to the continued presence of the French in the New Hebrides. A statement from the noble Marquess might greatly alleviate that feeling; and, perhaps, he could also give a date for the production of Papers on the subject.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): I will see if the Papers can be produced before your Lordships separate; but I am not quite certain whether they will be ready. I entirely share the feelings of the noble Earl. I look upon this continued occupation of the New Hebrides with deep regret, though I am not able to say—it would be unjust to say—that the French Government hold any language on the subject to which we can take exception. Our difficulty has been to obtain an answer to the representations we have made. Those representations have fully called the attention of the French Government to the gravity with which this matter is regarded both in this country and also in the Colonies. I can only repeat the hope that before long the expressed opinions of the French Government, which are entirely correct, may be translated into practice. It is fair to the French Government that I should say that they have wished to conduct side by side with this matter the negotiations in regard to the Suez Canal which, I think, were in progress when the noble Earl was in Office. We have no objection to this; but we must demur to these latter negotiations being the cause of any delay in regard to the former.

THE EARL OF ROSEBERY: Did any communication from the French Government, which was expected by the noble Marquess in February, again in March, and the beginning of May, arrive?

THE MARQUESS OF SALISBURY: I think we had one communication; but it was of a very inconclusive character.

SMOKE NUISANCE ABATEMENT (METROPOLIS) BILL.—(No. 175.)

(*The Lord Stratheden and Campbell.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

LORD STRATHEDEN AND CAMPBELL, in moving that the House be put into Committee, said: My Lords, it is hard on me, and hard upon the House, that I should be compelled to add a few words on the Motion with a view to shorten our proceedings, and to avert a general debate upon the Bill before us. The noble Earl (the Earl of Wemyss), by his Amendment, would raise a general debate, since he proposes to throw out the Bill at a time and in a manner perfectly unprecedented. When was there ever an example of the House refusing to go on to the next stage and to discuss the clauses of a Bill, after a Select Committee of the House had just examined and revised them? It is a form and species of obstruction which even in "another place" has not been yet arrived at. The noble Earl is well entitled to a patent, not for averting smoke, but for retarding legislation. But the Resolution in itself is as untenable as the time for making it is inappropriate and startling. It maintains that the Bill ought not to go on until the Acts of Lord Palmerston have been amended. But the Bill proposes to amend them. The last two clauses have no other object. They enlarge the area in which those Acts are valid; they add to the constructions over which they will be operative. "But," says the noble Earl, "until you have amended the Acts of Lord Palmerston, you must reject provisions for amending them." The Resolution maintains also that the Bill ought not to go on until the Acts of Lord Palmerston are better administered. But it has been repeatedly explained, while now the evidence confirms it, that they can never be enforced until the smoke of private houses is in some degree abated. If the noble Earl has not acquired that lesson, he is wholly unfit to guide the House upon the subject. But for another reason he is unfit to guide the House upon the subject. He asserted here that the Bill gave the police a right to visit the interior of domiciles, and to the Vestry of St. James that no class of houses could be possibly exempted. Both statements are unfounded, and it can only be supposed that he has never read the Bill he so traduces and calumniates. The noble Earl is also quite alone in the position which he occupies. His own League has not condemned the Bill which he, at last, proposes to annihilate. His own Party, consisting of another noble Lord and of himself, are not united in resisting it. His near Relative (Lord De Vesci) has laboured to correct and to enlarge it. If the noble Duke (the Duke of Westminster) was able to be here to-night, which he is not, he would oppose the noble Earl to the utmost of his power. Last of all, Her Majesty's Government having given Notice of Amendments to be moved in Committee, cannot, at least, without a flagrant inconsistency, support the noble Earl in refusing to go into it. My Lords, I do not deprecate, however, the hostility of the noble Earl to the Bill if he sincerely disapproves it—although, in that case, he ought to have opposed it long ago on many previous stages. All Bills afford a scope for opposite opinions. I venture only to point out the proper mode of acting on his judgment with regard to it. It is to move against it in the ordinary way on the third reading. Before now, Bills have been rejected on that stage, after going through every other one. At no period, unless I am entirely deceived, have Bills been quashed in transit from a Select Committee to the general Committee. I engage the noble Earl to give up that which ought to be hopeless, for that which may be possibly attained; and at the same time—as regards this measure—to exchange the character of a persecuting friend for that of a legitimate and straightforward opponent. It is not at all too late for him to withdraw the Notice he has given, and to offer that which I suggest to him. The noble Lord concluded by moving that the House go into Committee.

Moved, "That the House do now resolve itself into Committee upon the said Bill."—(*The Lord Stratheden and Campbell.*)

THE EARL OF WEMYSS, in rising to move—

> "That before the law for the prohibition of smoke is extended to private dwellings, it is desirable that the purpose and intention of the existing Acts be more carefully carried into effect, either by their amendment or by their better administration,"

said that, notwithstanding the outrages of which the noble Lord complained, he had not the slightest intention of withdrawing his Amendment. If his action was unexampled, the Bill of the noble Lord was no less unexampled. He was in sympathy with the general object of the Bill, though not with its provisions. He remembered some years ago a gentleman, supposed to be a speculative builder from Croydon, announced a great discovery and made an alarming prophecy about the doomed city, London, which was to be suffocated in a dense fog, and that those who lived in the pure atmosphere of Croydon were to come in and bury the ill-fated inhabitants of the Metropolis; but London had got on in spite of the fogs. And on the other hand, as regards the question of health, a gentleman of recognized authority in sanitary matters had expressed the opinion that what rendered the air of London, with its 4,000 miles of sewage, less deleterious than it might be expected to be was the great quantity of carbon with which it was impregnated. His objection to the Bill was that it was to be applied to private houses. His contention was that the present law, with some extension of its application and of the area over which it extended, was sufficient for all purposes. The Acts at present in force were those of 1853, 1856, and 1866. The Act of 1853 applied to every furnace employed in working engines, to dye-houses, distilleries, sugar refineries, and other similar places. The Act of 1856 extended the Act of 1853 to steamers west of the Nore and to public baths and wash-houses. Then there was the Sanitary Act of 1866, which was repealed as regards the rest of the country by the Public Health Act, 1875, but was still in force in the Metropolis. The objection might reasonably be made that the present law did not apply to steamers with donkey engines or to clubs or hotels, and that the area over which it extended was too restricted. Before a Bill enforcible against private houses was passed it would be much better to extend the existing law to semi-public buildings, like hotels and clubs. To put private houses under like provisions would be to establish a hateful system of espionage. The present system was for policemen to go about with smoke shades, by which they tested the density of the smoke issuing from any manufactory. If the smoke was denser than the permitted standard the owner was warned, and three warnings were given in consequence of what was observed by the policeman outside before an Inspector was sent to examine what was going on inside. He supposed his noble Friend's Bill would be worked in much the same way. Now, about 50 policemen were at present employed on this special duty. It might then be imagined what an army of policemen and what an enormous expenditure would be required to administer such a Bill with respect to the 700,000 houses in the Metropolis. Further, the cost of the measure to owners and occupiers of the necessary changes in their grates was calculated at between £2,000,000 and £3,000,000 sterling. Public opinion was not ripe for so stringent a measure.

Lord STRATHEDEN and CAMPBELL dissented.

The Earl of WEMYSS: Did his noble Friend mean to assert that public opinion in the country generally or in the Metropolis was ripe for such a measure?

Lord STRATHEDEN and CAMPBELL: Certainly.

The Earl of WEMYSS: Well, he had read the evidence of Mr. Ernest Hart, and other witnesses, on this point, and he said distinctly that public opinion was not ripe for it. His noble Friend's utmost hope was not that his Bill would be universally applied, but that some of the Local Bodies would be inclined to adopt the proposed system. If such a measure as this were passed it would, in his judgment, remain a dead letter. He heartily sympathized with his noble Friend in his object; but he thought it would be better to proceed slowly on the old lines, and to ascertain whether the present Acts were efficiently administered, and whether their operation might not be reasonably extended. By bringing forward this Bill his noble Friend had shown what good intentions he had; and by passing the second reading their Lordships' House had affirmed the principle that this smoke nuisance ought to be further abated. Having said this much, he ventured now to move the Resolution which stood in his name.

Amendment *moved*,

To leave out from ("That") to the end of the motion for the purpose of inserting the following words: ("before the law for the prohibition of smoke is extended to private dwellings, it is desirable that the purpose and intention of the existing Acts be more fully carried into effect, either by their amendment or by their better administration").—(*The Earl of Wemyss.*)

The Earl of HARROWBY said, that all the objections adduced by the noble Earl were raised many years ago when Lord Palmerston initiated his great smoke reform movement. The wonderful success of Lord Palmerston's legislation must be admitted by everybody who remembered the state of things that previously existed. One hardly knew the City again after the Act had been in operation a few years. What was the real evil which we had to deal with now? Lord Palmerston intended to deal with all the factories of his time, and consequently he fixed a certain limit. But since that time the spread of manufactures had gone on steadily. Clearly, therefore, if we wished to carry out Lord Palmerston's intentions we must attack the factories which were outside his limit. Was the evil a great one or was it a small one that they had to contend with? He thought the London fogs need only be thought of a few minutes to convince their Lordships that the evil was a very great one and that it was growing every year. The addition of the 40,000 houses per annum was of itself a source of great alarm. They had heard in medical evidence that a dense fog in London had raised the mortality to that of the great cholera year. Every year the bulk and the frequency of the fogs increased, and it was becoming a perfect scandal and discredit to us that we were taking no steps whatever to deal with this tremendous evil, which was causing an increased rate of mortality. The trees and plants were telling the same story. The last conifer in Kensington Gardens had given up the struggle, and the roses were stunted and dwarfed. His noble Friend had talked of this Bill as if it were a measure of the most tyrannous and sweeping character. Its first object was to extend the area of Lord Palmerston's Act. It was next proposed to bring clubs, hotels, and refreshment houses under the operation of the Bill. Let any noble Lord walk down Northumberland Avenue and watch the chimneys of the great hotels pouring forth great volumes of smoke which floated across to the National Gallery and evidently produced most serious evils. Again, their Lordships had only to watch their clubs in order to see the damage done by the smoke which issued from them. Their Lordships would observe that it was not a question of prohibiting smoke—for that, of course, would be absurd—but of abating smoke. The best witnesses agreed that if we could cope with the smoke of the kitchen chimneys we should enormously diminish the magnitude of the smoke nuisance in London. A grate in a kitchen could be dealt with at a very small cost—from 10*s.* to 30*s.* for a very large kitchen range. Was there the slightest danger of this Bill being put in force tyrannically? The power of enforcing the Bill was placed in the hands of the Local Authorities, who were elected by the inhabitants, and the measure was much more likely to be inoperative than too operative or too drastic. Moreover, any regulation relating to the abatement of smoke must be sanctioned by the Home Secretary. There was no real danger in making the experiment. The smoke from steamers could easily be dealt with. One large Company was already, with great advantage, consuming its own smoke. The smoke from locomotives was another question which would have to be considered. He ventured to suggest that they should try the experiment of this simple Bill. It was a step, at any rate, in the direction of amendment, which could not lead to any grave or tyrannical results, because the powers under the Bill were placed in the hands of people who lived in the houses affected by it. He implored their Lordships to take a step forward in this great question, and he hoped that if the experiment could not be made this year Her Majesty's Government would hold out some distinct hope of dealing with the question completely and thoroughly in the next Session of Parliament.

The LORD CHANCELLOR (Lord Halsbury) said, he was willing to admit the necessity of some measure for the abatement of this nuisance; but he could not resist saying that he thought the Bill before the House was rather an obstruction than an aid to doing good. If the object, which he thought all would agree was a good one, were attained by this Bill, he could quite understand the argument of his noble Friend who had just sat down; but he found that everything was to be left to the Local Authorities, who were to make any regulations they thought fit for the abatement of smoke in any private dwelling. The Local Authority might impose on offenders such reasonable penalty as they thought fit; in fact, the Bill provided no limit at all. This was the first time that legislation proceeded on such lines. He could not help thinking that although its object was a very good one this Bill was ill-devised, clumsy, and inconvenient, and would be totally inoperative for the purposes for which it was intended. He hoped their Lordships would not proceed further with it.

Lord MONKSWELL maintained that public opinion in many parts of the Metropolis was in favour of the Bill. The expense of putting the Act in force would be reimbursed over and over again in the course of a few years. He hoped, therefore, seeing that the Government had not adopted the course taken by the noble Earl on the Cross Benches, but had put forward such Amendments as would make the measure workable, their Lordships would proceed with the Bill.

THE EARL OF CRAWFORD said, he would remind their Lordships of the system of police supervision in domestic matters which this Bill would inaugurate. It seemed to him that the Bill was drawn in the interests of the producers of gas and coke, and for the benefit of the Welsh coalfields. In his opinion, the small amount of damage from the ordinary domestic fireplace did not call for the interference which would be absolutely necessary under such a measure as this. Reference had been made to the dense fogs of a few years ago as having caused a large death rate. It was the custom to attribute the severe fogs and dark days that occurred in London to the smoke, and he was of that opinion until a short time ago. During the last Whitsun Recess an excessively black fog hung over London for 24 hours; that fog he traced back to Holland, whence it got to Dover, and the next day, eight hours later, it reached London. That fog could not, therefore, be due to London smoke. He believed that if the existing law was more frequently enforced the smoke nuisance would be much lessened. The prime cost of the apparatus prevented many persons from burning the smoke of their furnaces, and unless they were fined they would continue to evade the law. He heartily supported the Amendment of the noble Earl (the Earl of Wemyss).

LORD HOBHOUSE observed that he thought it probable different methods of dealing with smoke would be found suitable in the various parts of London; but, whether that was so or not, he was sure that no one knew the best method, and that by the Local Authorities trying different plans the best method would gradually be discovered. It had been said that the control of the Home Secretary in this matter would be illusory. It was not his experience that in local matters the control of the Central Authority was illusory. On the contrary, there was a disposition on the part of the Central Authority to make all the Local Authorities act in a single groove, and to adopt methods which were sometimes unworkable. He thought that the Local Authorities, under the supervision of the Home Secretary, might be trusted to carry out the provisions of this Bill, which he should support.

EARL BROWNLOW said, that on behalf of the Government he should support the Amendment of the noble Earl (the Earl of Wemyss), having always held the view that private dwellings should be excluded from the operation of the Acts. There was extreme difficulty in legislating on a subject such as this Bill attempted to deal with. Inquiries had been instituted by Parliament on the subject. There had been a long correspondence on the subject, and all that he could say was that Her Majesty's Government were carefully considering it with a view of ascertaining whether any amendment could be made in the present law, or whether the difficulty could be met by a better administration of the present law.

THE EARL OF ROSEBERY said, he should support the Motion to go into Committee on the Bill. He had not much confidence in the argument that it would be better to await the time when London should have a local government, and to leave this question to be dealt with by that Body. Nor had he much confidence in waiting till the Home Office had made up its mind on the subject. He had no great affection for the Bill; but on one broad ground he did entirely sympathize with his noble Friend behind him (Lord Stratheden and Campbell). His noble Friend had two or three times been permitted by the House to read the Bill a second time, and on the third occasion the House deliberately referred the Bill to a Select Committee. The Committee having sat upon the Bill, and the measure having returned from that body, it was now proposed to reject it without allowing it to go through the ordinary stage of Committee. To burke the Bill in this way seemed to him to imply a disregard for the Select Committee that had sat upon it. Out of respect for their own proceedings, and their own Committee, it appeared to him absolutely necessary that their Lordships should go into Committee on the Bill, in spite of the Amendment of the noble Earl (the Earl of Wemyss). If the noble Earl had any wish to put an end to the measure at a later stage, the proper course would be to do it on the third reading.

LORD DENMAN said, that it being the usual custom of the noble Earl on the Cross Benches to propose Resolutions and then to withdraw them, he scarcely knew how to act in this matter. If the noble Earl pressed his Amendment to a Division he should support it, as he thought that the present law should be enforced before fresh legislation was entered upon, especially as a Member of the Government had opposed the second reading. It seemed to be forgotten that in 1820 Mr. Parkes, a worsted manufacturer at Warwick, got a patent for consuming the smoke at his works; and the first Lord Denman saw the air as pure as Mont Blanc, and linen bleaching below the tall chimney. Mr. Michael Angelo Taylor brought in a Bill to indict defendants for a nuisance if they did not consume their own smoke; and a power was given to the Court to order the building of furnaces, at the expense of defendants, suited to consume the smoke; but it seemed to have not been workable. When the Prince of Wales was in Sheffield all the fires were put out. He (Lord Denman) thought the House ought to be obliged to the noble Lord for causing the Bill to be studied; but he believed that more inquiry should be made before a compulsory measure was passed.

LORD STRATHEDEN AND CAMPBELL said, he had no desire to add anything to the speeches of his noble Friends in favour of the measure. He would point out, however, that whether their Lordships desired to carry it or not, they were bound to consider the Amendments offered by himself and by the Government. They could not judge the Bill until its final shape was given to it. Even if the smoke of London was to be prolonged the decorum and the dignity of that House ought not to be impaired, which they would clearly be if the Amendment triumphed.

On Question, Whether the words proposed to be left out stand part of the Motion?

Their Lordships *divided*:—Contents 12; Not-Contents 30: Majority 18.

Resolved in the *negative.*

Then Motion, as amended, *agreed to.*

METROPOLITAN IMPROVEMENTS — THE BURLINGTON HOUSE COLONNADES.—QUESTION.

THE EARL OF MILLTOWN asked Her Majesty's Government, Whether the First Commissioner of Works would take steps to have the colonnades of Burlington House, now lying derelict on the banks of the river, in Battersea Park, protected from injury, either by a fence or some other adequate provision? These colonnades were beautiful works of art, and he had been surprised to find the Representative of the Office of Works in that House inclined to pooh-pooh suggestions with regard to them.

THE EARL OF WEMYSS said, there was no greater scandal to the Office of Works than that these colonnades should have been allowed to lie from year to year on the banks of the river. All the children of the Metropolis were playing hide-and-seek amongst them. He was afraid they were so much injured now by the exposure and the treatment to which they had been subjected as to be of little value.

LORD HENNIKER, in reply, said, he would not enter into the architectural merits of the colonnades; but he must deny that he had pooh-poohed their artistic value. In what he had said in the House on a former occasion he had stated that a great many schemes had been laid before the First Commissioner of Works with regard to them, which had all been pronounced impracticable, not merely on the ground of expense, but in regard to finding an adequate situation for them. The noble Earl had himself been invited to make any suggestion for their being placed in a proper position; but he had so far made none. With regard to the proposal that they should be fenced round, it was necessary to explain that a Bill was now before Parliament handing over Battersea Park, amongst other places, to the Metropolitan Board of Works. Under these circumstances, the First Commissioner of Works did not think he ought to give any pledge as to what he would do to protect these remains; but he was instructed to say that when the question for handing over the Park was settled, if it remained in his hands to deal with the matter, he would give the proposal of the noble Earl his most careful consideration.

THE EARL OF MILLTOWN asked whether he was to understand that the colonnades were to be handed over to the Board of Works with the Park?

LORD HENNIKER: I am unable to say, as there is no provision in the Bill with respect to them; but this point will be decided by my right hon. Friend (Mr. Plunket) when the Bill is passed.

SECRETARY FOR SCOTLAND ACT (1885) AMENDMENT BILL—(No. 194.)

(*The Marquess of Lothian.*)

SECOND READING.

Order for the Day for the Second Reading, read.

THE SECRETARY FOR SCOTLAND (The Marquess of Lothian), in rising to move that the Bill be now read a second time, said: My Lords, in asking your Lordships to read this Bill a second time I feel that I labour under a disadvantage, inasmuch as the measure refers entirely to the strengthening of the Office I have the honour to hold; and the fact that that Office is to be strengthened means, to a certain extent, a cutting and carving of powers from another Office. On that ground I should have been glad if one of Her Majesty's Secretaries of State had undertaken the duty of moving the second reading of this Bill. This question will be in the recollection of your Lordships. It has been before your Lordships for several years. I do not propose to go back to the history of it; but perhaps I may be allowed to remind your Lordships that in 1883 a Bill called the Local Government Bill was introduced, but it was late in the Session when it came up to your Lordships, and it was felt that a measure of that importance should not be passed without sufficient discussion and consideration. The consequence was that your Lordships' House did not pass that Bill in 1883. Public feeling in Scotland was very much roused on the subject, and the result was that in January of the following year a meeting was held in Edinburgh—perhaps the most representative meeting that ever was held in Scotland, embracing, as it did, not only every political section—I see the noble Earl (the Earl of Wemyss) smile—but it embraced, not only every political section, but every branch of society, and every portion of the Kingdom of Scotland. I see the noble Earl smiles dissent, but I think the only dissentient voice on that occasion came from the noble Earl himself. The result of that meeting was a deputation which shortly afterwards waited upon the Prime Minister, Mr. Gladstone, and which I had the honour to introduce. Mr. Gladstone then undertook that measures should be introduced to give effect to the wishes of the people of Scotland; and in 1884 my noble Friend opposite (the Earl of Rosebery), to whose courage, ability, and cordiality the measure owed so much, brought in a Bill for the creation of the Office of Secretary for Scotland. I wish to refer to that Bill, because some words were used on the second reading, both by the present Prime Minister and by the noble Earl (the Earl of Rosebery), that strengthen my hands in asking your Lordships to give a second reading to the Bill now before you. When that measure was before this House the present Prime Minister said the consideration that it was desirable to confer as much power upon the new Office as possible induced him to vote for the Amendment—that was, that the administration of law and justice should be placed in the hands of the Secretary for Scotland; and the noble Earl opposite (the Earl of Rosebery) said it was quite certain that if this new Minister was to start his Office under discouraging conditions the Office would be a failure. The point to which the noble Earl was then referring was this very question of the administration of law and justice. In "another place," however, that Amendment was rejected. I am quite certain that my Predecessors in Office will bear out completely the contention of the noble Earl that it was almost impossible that the Office then constituted should not be a failure unless some additional powers were attached to it. I do not say it has been a failure, but that it may become so unless these additional powers are granted. There are two considerations that I will lay before your Lordships in asking you to give the Bill a second reading. The first is what I may call a sentimental consideration, and the other is a practical one. The sentimental consideration has a very direct bearing on the practical one. After the long period of most intimate union between England and Scotland, which has lasted now nearly 200 years, people are apt to forget how entirely distinctive and different the administration of Scotland is from that of England. There is almost no point of resemblance. There are different forms of religion and different social forms affecting every portion of Scotland. There is a different code of education—an entirely different code of education—and different systems of agriculture. There are also different systems affecting the laws of lunacy and parochial laws, the fishing laws, and almost every other department. In fact, I think the few Acts which are mentioned in the last clause of this Bill as exceptions to the operation of the Bill practically touch the whole of the laws which are similar with regard to both Scotland and England. To these differences between Scotland and England the people of Scotland are intensely and passionately attached—not, I rejoice to believe, because there is any feeling of not continuing cordially the union; but for that very reason the people of Scotland wish to continue the life-interests and sentiments that have made them what they are. I think it is most desirable, in the interests of the Empire, that everything should be done to keep up and foster this national spirit, which is the parent of that healthy rivalry and emulation which is the life-blood of a people. So much for the sentimental reason. I now come to the practical reason. The fact of the administration of law and justice not being in the hands of the Secretary for Scotland has put the Head of that Department in a very awkward position. I will not go into details; it would not be proper if I were to do so; but I think it is an open secret that last year, during the difficulty which arose in the Western Highlands, it would have been almost impossible even for my Predecessor, with his great ability, to satisfactorily settle the question of law and order in that part of the country if he had not been a Member of the Cabinet. That difficulty may arise again in the Western Highlands or elsewhere at any moment, although I hope it may not; and your Lordships will see how desirable and necessary it is that that control of law and order which was given to the Secretary for Scotland last year by an exceptional method should be permanently vested in him by Act of Parliament and by Statute. For that reason, if for no other, I should ask your Lordships to pass this Bill. There are other questions, and almost every day that I have passed at the Scottish Office has given me an experience showing that it is absolutely necessary for the proper administration of that Office that the powers referred to in this Bill should be transferred from the Home Office to that of the Secretary for Scotland. The provisions of the Bill are very simple and very drastic. They transfer these powers from the Home Office, and make the Secretary for Scotland, in fact, the Home Secretary for Scotland. Certain Acts have been excepted, because they refer generally to the United Kingdom. I will refer briefly to these exceptions. The first is the duty of advising Her Majesty upon the exercise of the prerogative of mercy, and I feel sure your Lordships will agree with the Government in considering it desirable that this duty should be exercised by one Officer of State only. The next exceptions are the Factory and Workshops Act, 1878, the Coal Mines Regulation Act, 1872, and the Explosives Act, 1875. These are all applicable to the United Kingdom; and having regard to the due regulation of trade and uniformity of practice, Her Majesty's Government thought it desirable that these Acts should continue, as at present, to be administered by the Home Office. In connection with the Cruelty to Animals Act, there are questions relating to vivisection, with respect to which the law should be as uniform as possible in all parts of the United Kingdom; and with regard to the Reformatory and Industrial Schools Acts the Government at present has in contemplation a Bill dealing with these subjects. If that Bill were passed it could then be considered whether it was desirable that the subject should remain under the Home Secretary or should be transferred to the Secretary for Scotland, or whether, as regards Scotland, they should be transferred to the Secretary for Scotland. I have now gone through the principal points of the Bill for which I ask a second reading. I think I ought to refer for one moment to the position of the Lord Advocate. The position of the Lord Advocate will not be changed at all by this Bill. The position of the Lord Advocate was guaranteed under the Act of 1885, and any changes that may take place in consequence of the passing of this Act will amount to this—that the Lord Advocate will simply act in relation to the Secretary for Scotland as he did with reference to the Secretary of State for the Home Department under the Bill of 1885. I may add that the Lord Advocate has highly approved of this measure. One more point I should like very briefly to refer to, and I do so with some diffidence, because I think some difficulty might arise in reference to it. I should have liked, if it were possible, to have added to this Bill a clause which should have provided that the Secretary for Scotland should be one of Her Majesty's Secretaries of State. I think that would have given satisfaction to the people of Scotland, who earnestly desire it, and it would also necessitate the Minister for Scotland being a Member of the Cabinet. By the passing of the Act in 1885, the position of Scottish legislation has been entirely altered. Before that time, when the Home Secretary was responsible for legislation regarding Scotland, he had the opportunity, as it was his duty, to bring before the Cabinet any legislation affecting Scotland. Now, if by any chance the Secretary for Scotland is not a Member of the Cabinet, there is no opportunity for him to bring directly before the Cabinet measures which he may think are for the advantage of Scotland; and in the immense pressure of other Business it is quite possible, and more than possible, that measures deeply affecting Scotland may be pressed out. But, on the other hand, I quite see that a clause of that sort, which would have necessitated the appointment of a Minister who should be a Member of the Cabinet, was not a clause which ought to be introduced into a Bill of this kind. It would have affected other Departments of the State besides Scotland. Therefore, whatever may be done in the future, I hope your Lordships and the people of Scotland will be satisfied with the Bill which I now ask to be read a second time. I feel that this measure will be satisfactory to the people of Scotland; and I cannot conclude without appealing to the noble Earl opposite (the Earl of Rosebery), who has had so much to do with the legislation connected with this Department, and I feel sure I may rely upon his cordial support in bringing forward this measure, which, I venture to think, will be for the benefit of the people of Scotland and of the United Kingdom.

The Marquess of Lothian

Moved, "That the Bill be now read 2ª."—(*The Marquess of Lothian.*)

THE EARL OF ROSEBERY: Before the noble and learned Lord on the Woolsack puts the Motion, I should like to say I confess I read this Bill with very great approval, because it only carries out the Amendment which I had the honour of bringing before your Lordships, and which met with your Lordships' approval, but did not find the same approval in "another place," and, therefore, was left out of the Bill when it passed through the House. But I never had any doubt—and I have frequently expressed that feeling—about this, that if the Secretary for Scotland once was brought into existence, he would, by the very force of circumstances, attract to himself all those other attributes which we wished to have been given to him by the Bill of that time, and which it is now found necessary to give to him. I do not enter upon that by way of vindicating my own foresight in the matter, because it was perfectly obvious that either the Secretary for Scotland should cease to exist altogether, or else by the very nature of things we should find the Government very soon bringing in the Bill which the noble Marquess has now laid on the Table. The noble Marquess thinks that the Secretary for Scotland has suffered by not having these powers. I do not doubt that the Secretary for Scotland has so suffered; but if I might venture to say so, in my humble opinion, that Office has suffered much more by another circumstance. It has suffered by the fact that in the 16 months that have followed the passing of the Act which created the Office there were no less than five incumbents of that Office. Five Secretaries for Scotland in less than 16 months would be enough to ruin any Office imbued with less vitality than the Office which the noble Marquess now so efficiently fills. My only doubt as to this Bill is whether in the other House it may find that easy passage or those facilities from the Government which I hope it may; but if the Government have it really at heart to force this Bill through, I do not doubt the people of Scotland will derive at the end of this Session a substantial benefit in the measure now before your Lordships.

THE EARL OF CAMPERDOWN said, he must congratulate the noble Marquess the Secretary for Scotland on the production of this Bill, and he hoped their Lordships would give it a second reading.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

BUSINESS OF THE HOUSE—THE MARGARINE BILL.—QUESTION.

THE EARL OF WEMYSS asked, Whether the President of the Board of Trade, or someone in charge of the Margarine Bill, would, in accordance with the understanding arrived at the other evening, give their Lordships an assurance that the Bill should not proceed further in their Lordships' House until the evidence taken before the Select Committee of the other House had been laid before their Lordships?

THE PRESIDENT OF THE BOARD OF TRADE (Lord STANLEY of PRESTON) said, he was not responsible for the Bill, and it was not his power to give his noble Friend any positive assurance in the matter. The evidence had not yet been circulated; but he was sure his noble Friend's appeal would not be without effect on those who were responsible for the conduct of the measure.

THE EARL OF WEMYSS said, he only made the appeal for the convenience of those interested in the subject.

House adjourned at half past Six o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Monday, 1st August, 1887.

MINUTES.]—NEW WRIT ISSUED—*For* the County of Chester (Northwich Division), *v.* Robert Verdin, esquire, deceased.

NEW MEMBER SWORN — Godfrey Blundell Samuelson, esquire, *for* the County of Gloucester (Forest of Dean Division).

PUBLIC BILLS — *Ordered* — *First Reading* — Merchant Shipping (Miscellaneous) * [348]; Sheriff of Lanarkshire * [349].

Second Reading—Metropolitan Board of Works (Money) [345], *debate adjourned;* Settled Land Act (1882) Amendment * [339].

Select Committee—Temporary Dwellings * [256], *nominated.*

Committee—Irish Land Law [308] [*Sixth Night*] — R.P.; Trustee Savings Banks [334] — R.P.

Committee — Report — Open Spaces (Dublin) [80-346]; Turnpike Roads (South Wales) * [333].

Considered as amended—Third Reading—Markets and Fairs (Weighing of Cattle) [337], and *passed.*

Third Reading—Incumbents' Resignation Act (1871) Amendment * [323], and *passed.*

Withdrawn — Railway and Canal Traffic * [265]; Lunacy Acts Amendment * [221]; Life Leases Conversion * [310]; Returning Officers' Expenses (Scotland) * [9].

QUESTIONS.

RAILWAYS (IRELAND)—FATAL ACCIDENT ON THE BANTRY EXTENSION RAILWAY.

MR. GILHOOLY (Cork, W.) asked the Secretary to the Board of Trade, Whether, in view of the fact that one man lost his life and another was seriously injured in the recent accident on the Bantry Extension Railway, the Board of Trade will consider it necessary to hold an official inquiry into the cause of the accident?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): Before Notice of the hon. Member's Question had been given, the Board of Trade had already directed one of their Inspecting Officers to inquire into the accident referred to.

THE MAGISTRACY (IRELAND)—BANTRY QUARTER SESSIONS—MR. J. G BARRETT, J.P.

MR. GILHOOLY (Cork, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to a case, heard at the Quarter Sessions held recently at Bantry, in which it was proved that Mr. J. G. Barrett, a Justice of the Peace for the County of Cork, had altered a rent receipt dated 1st November, 1880, to 1st November, 1881, in order to procure for a tenant, named James Mahoney, the benefit of the Arrears Act, by which Mr. Grumbleton, for whom Mr. Barrett is agent, obtained a half-year's rent from the Treasury; that Mr. Barrett subsequently made an affidavit that Mr. Mahoney owed the rent for the year ending the 1st November, 1880, though he had paid the same and received a receipt for it from Mr. Barrett; has his attention further been called to the statement of Judge Ferguson, that this receipt had been altered, and that, though the investigators under the Arrears Act had cancelled one year's rent, the Treasury having advanced a half-year's rent under the Act, Mahoney was compelled by Barrett to pay him the remaining half cancelled by the Arrears Court; and, will he ask the Lord Chancellor to make an inquiry into the truth of these allegations?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: I find the case referred to is not concluded, and that it stands adjourned, by the consent of both parties, till next Sessions for the personal examination of Mr. Barrett. The matter being still *sub judice*, I am not in a position to make any statement regarding it.

MR. GILHOOLY: Will the right hon. and gallant Gentleman state whether the third paragraph of the Question is correct; and, if so, will he take steps in the matter?

COLONEL KING-HARMAN: I must decline to make any statement, as the case is still *sub judice.*

MR. M. J. KENNY (Tyrone, Mid): May I ask, cannot a special inquiry be instituted into this case by the Lord Chancellor? I would also ask, whether, on a charge of this kind, Mr. Byrne was not removed from his position as Collector of Rates for one of the Divisions of Dublin?

[No reply.]

MR. SEXTON (Belfast, W.): Mr. Speaker, we want a reply to this Question. The allegation is that a person holding the Commission of Justice of the Peace has been guilty of perjury and fraud—both on the Treasury and the tenants—and we desire to know, apart from any legal proceedings, whether the Lord Chancellor will fulfil his public functions and inquire into the allegations?

COLONEL KING-HARMAN: I have answered the Question on the Paper, and it is not in my power to answer any further inquiries.

MR. SEXTON: Then I beg to ask the Chief Secretary, if he will cause the Lord Chancellor to inquire into the allegations made against a Justice of the Peace of the County Cork?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.), in reply, said, the Government would give the matter their consideration.

CHURCH ESTATES COMMISSIONERS—VACANT LAND, BREAM'S BUILDINGS, CHANCERY LANE.

MR. CHANNING (Northampton, E.) asked the right hon. Baronet the Member for West Essex, as an Ecclesiastical Commissioner, Whether the Commissioners have since 1879 provided for the relieving of any of the poor occupiers removed by the Commissioners in 1879 from the site at Bream's Buildings, of whom a large proportion were law copyists and watchmakers, the nature of whose employment made it necessary for them to live in the neighbourhood; whether they have now sold the site for other purposes than the erection of artisans' dwellings; whether the Commissioners are now offering the site at Fetter Lane at a price which would make the ground rent at least 9*d.* per foot; whether his attention has been called to the evidence of Mr. Clutton, the agent for the Ecclesiastical Commissioners, before the Royal Commission on the Housing of the Working Classes (25th April, 1884), in which he states that, according to his experience, dwellings could not be erected to make a fair interest on the capital invested where the ground rent exceeds 5*d.* per foot; and also, in reply to Question 6519, that the general policy of the Commissioners was to re-house in a better way the whole of the displaced population, subject to the circumstances of each case; whether the Commissioners have a large area of property still uncleared in poor parishes in the Metropolis; whether, in regard to the site at Fetter Lane, the Commissioners will reduce the price to 5*d.* per foot, the amount named by Mr. Clutton in his evidence; and, whether, in regard to the other sites, as they fall into the hands of the Commissioners, they will carry out the policy enunciated by Mr. Clutton of re-housing, so far as possible, the displaced population, instead of converting the sites to other uses?

SIR HENRY SELWIN-IBBETSON (Essex, Epping): Pains were taken to render the removal of the inhabitants as easy as possible. Some of the tenants had small compensations given them, others had time for removal without being charged rent, and others had accommodation offered to them by the Commission agents at Clerkenwell within less than a mile of the site, of which offer some few availed themselves. The Commissioners have intimated their willingness to consider a definitive proposal by responsible parties for the purpose of the erection of artizans' and labourers' dwellings in Dean Street, Fetter Lane. The ground-rent asked for this purpose is 9*d.* per square foot, which is very considerably below the market value. The Commission do not feel justified in accepting for this particular site a yet lower rent in order that it may be devoted to this purpose. If it is devoted to this purpose, which the Commission are quite willing should be the case, they consider that any loss thereby incurred should not fall wholly on funds committed to their charge on a perfectly distinct trust. To the last Question I answer, generally yes, subject to the circumstances of each case.

CANADA AND THE UNITED STATES—ANGLO-AMERICAN FISHERIES DISPUTE.

MR. GOURLEY (Sunderland) asked the Under Secretary of State for Foreign Affairs, Whether he can inform the House what progress has been made towards a settlement of the Anglo-American Fisheries dispute; when the Correspondence which has taken place since the transmission of the Marquess of Salisbury's proposals of the 24th March will be in the hands of Members; and, whether Her Majesty's Government can explain the circumstances of the capture, on Sunday last, of two American boats and 13 men near Prince Edward's Island by the Canadian Cruiser *Critic?*

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): Communications are now in progress, which it is hoped will lead to a satisfactory settlement at no distant date. At present there is no further Correspondence to be presented. No official Report has as yet been received of the seizures referred to in the third paragraph of the hon. Member's Question; but it is believed that they are at present under investigation.

ADMIRALTY—H.M.S. "SULTAN"—COLLISION IN THE TAGUS.

MR. GOURLEY (Sunderland) asked the First Lord of the Admiralty, If it is correct that there has been a considerable amount of Correspondence with the French Government regarding claims for damages by the owners of the French passenger steamer with which H.M.S. *Sultan* collided in the Tagus on the 24th December last; if so, will he be good enough to state the amount demanded, and whether the Admiralty have admitted the *Sultan* to be in fault?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): There has been a Correspondence with the French Government on the subject, and the Correspondence is still continuing. I am not aware that any specific sum is claimed. The Admiralty, after careful inquiry into the incident, do not admit the liability of the *Sultan* for these claims.

TRAMWAYS (IRELAND)—THE SCHULL AND SKIBBEREEN TRAMWAY.

MR. GILHOOLY (Cork, W.) asked the Secretary to the Board of Trade, Whether, considering that the Schull and Skibbereen Tramway has ceased to work, owing to the default of the contractors both in the construction of the line and the supplying of locomotives, he will use the powers vested in him by the Act under which the line was constructed to compel the contractors to put the line in proper repair, and supply suitable locomotives?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): The Board of Trade have no authority whatever over the contractors who constructed the Schull and Skibbereen Tramway, and they are, consequently, unable to compel those contractors to put the line in repair, and to supply suitable locomotives. I may, however, inform the hon. Member that it having been represented to the Board of Trade that the promoters had made default in the completion, working, or maintaining of the tramway, the Board of Trade, in exercise of the powers conferred upon them by Section 44 of the Order in Council, directed an inquiry, and, as the result of such inquiry, have issued an Order requiring the promoters to make good such default within four months from the 6th ultimo.

EGYPT—MOUKHTAR PASHA.

MR. F. S. STEVENSON (Suffolk, Eye) asked the Under Secretary of State for Foreign Affairs, Whether he is now in a position to inform the House when Moukhtar Pasha will leave Egypt?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): I have no information on the subject beyond what I conveyed in my answers of the 15th and 25th ultimo.

MIDLAND RAILWAY COMPANY EMPLOYES—WAGES DISPUTE.

MR. BRADLAUGH (Northampton) asked the Secretary to the Board of Trade, Whether his attention has been drawn to a Circular addressed by the Midland Railway Company to the enginemen and firemen in the employ of the Company, the effect of which Circular will be to put an end to a hitherto guaranteed wage of six days per week to such *employés;* whether he is aware that the effect of this Circular may be on Friday next to throw 4,000 skilled men out of employment, the majority of whom have been in the Company's service for 20 years; and, whether, in view of the danger to public safety involved in replacing these enginemen and firemen by unskilled men, the Board can take any action in the matter?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): The working of railways is entirely in the hands of the Companies, and the Board of Trade had no power of interference.

ADMIRALTY — THE NAVAL REVIEW OFF SPITHEAD — ACCIDENT ON BOARD THE GUNBOAT "KITE."

CAPTAIN COLOMB (Tower Hamlets, Bow, &c.) asked the First Lord of the Admiralty, What was the number of men quartered at the gun on board the *Kite* when the accident took place on the 23rd instant; how many of these were petty officers or bluejackets who had been trained in the gunnery school of H.M.S. *Excellent* or *Cambridge;* how many were non-commissioned officers or gunners of Royal Marine Artillery, trained in the gunnery school of Eastney; what was the rank or rating of the captain of the gun; how often had this gun-crew been exercised at the gun during the month preceding the date of the accident; and, how many rounds had been fired by this gun-crew from this gun during the same period?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): There were three men stationed at the gun on board the *Kite* when the accident occurred. One of these was a bluejacket who had passed through the gunnery schools, and one was a bombardier of the Royal Marine Artillery, who was also captain of the gun. The gun crew had been exercised three times since commissioning on July 7, and one round had been fired during this period.

CAPTAIN COLOMB: Does the noble Lord mean to say that only three men were stationed at the gun?

LORD GEORGE HAMILTON: So I am informed.

CAPTAIN COLOMB: I beg to give Notice that I shall call attention to that statement on the first available occasion.

ADMIRALTY – THE NAVAL REVIEW OFF SPITHEAD—THE ROYAL MARINE ARTILLERY.

CAPTAIN COLOMB (Tower Hamlets, Bow, &c.) asked the First Lord of the Admiralty, Whether the Admiralty have yet been able to assertain what number of Royal Marine Artillery took part in the Naval Review on the 23rd instant?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing), in reply, said, the approximate number was 950.

POOR LAW (IRELAND)—NON-PAYMENT OF POOR RATE.

MR. GILHOOLY (Cork, W.) asked Mr. Attorney General for Ireland, Whether the law costs incurred by a Board of Poor Law Guardians in taking proceedings against a lessor who refuses to pay the poor rate for which he is liable according to the rate books, and also in resisting the appeal of a lessor against the poor rate, should be a Union or an Electoral Division charge?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton), in reply, said, the practice, as he understood it, was to make it a charge on the Electoral Division. This practice had existed for upwards of 40 years, and he saw no reason for disturbing it.

EDUCATION (IRELAND) — THE JULY EXAMINATIONS.

SIR THOMAS ESMONDE (Dublin Co., S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If he would give the names of those who acted as Superintendents, and of those who, not being candidates, were present in the Examination Halls, during the July examinations of this year, at each of the following Training Colleges; the Training College, Drumcondra; the Training College, Marlborough Street; the Training College, Kildare Place; the Training College, Baggot Street?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: The names of the Superintendents who were present in the Examination Halls during the July examination of papers this year at each of the Training Colleges were as follows: At Drumcondra, Messrs. Purser, Bartley, and Day; at Marlborough Street, Messrs. Sullivan, Corbett, Joyce, and Doherty (assisted occasionally by Mr. Buckley, Miss Espy, and Miss Walsh); at Kildare Street, Messrs. Craig and Bright; at Baggot Street (in second week of examination), Messrs. Purser, Bartley, and Fanning. These Superintendents were present during the examinations. Brief visits of observation were also paid by some of the higher officials of the National Board, and by some of the authorities of the Colleges.

ROYAL IRISH CONSTABULARY—NUMBERS.

Sir THOMAS ESMONDE (Dublin Co., S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, The number of men who have joined the Royal Irish Constabulary during the last three years; how many of them are Protestants; and, how many Roman Catholics?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: 1,308 men have joined during the last three years. Of these 460 are Protestants, and 848 Roman Catholics.

HOUSING OF THE WORKING CLASSES ACT, 1885—SALE OF CORPORATION LAND.

Mr. J. ROWLANDS (Finsbury, E.) asked the Secretary of State for the Home Department, Whether he is aware that any Corporate Bodies have let or sold any land in the Metropolis for Artizans Dwellings under "The Housing of the Working Classes Act, 1885," Section 11, Sub-section (2); and, if they have, where such land is situate, and what number of persons the buildings erected thereon have housed?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): I have made such inquiry as was possible since the hon. Member's Question was on the Paper; and I have not been able to learn that any instances have occurred of Bodies Corporate having let or sold land under the powers alluded to in the Question. I am still endeavouring to get information on the subject, and will inform the hon. Member of any instances that come to my knowledge.

IRISH LAND COMMISSION — FAIR RENTS—CASE OF DENIS BURKE.

Dr. KENNY (Cork, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Is he aware that Denis Burke, tenant of Amelia Moirhead, Dunmanway, County Cork, had a fair rent fixed for his holding by the Sub-Commission presided over by Mr. M'Devitt, B.L., in 1882; whether the landlord appealed from the decision of the Sub-Commission to the Land Commissioners, on the ground that the lands were demesne lands, who on this ground reversed the decision of the Sub-Commission; whether Burke's holding had been only one year in the landlord's possession prior to Burke taking it in 1868, it having been previously held by a tenant named Delea; whether Burke had always worked the farm as an ordinary tillage farm, and had built on it a house at a cost of £200, and drained portions of it at a cost of £90, without any objection being offered by the landlord; and, whether he will consent to such Amendments in the Irish Land Law Bill as will deal with this class of case?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: The Land Commissioners reported that a fair rent was fixed on Burke's holding by the Sub-Commission in 1882. The Chief Commissioners subsequently reversed the decision, on the ground that the holding formed part of the demesne lands, and were so let. A portion of the demesne land had been surrendered by him in 1866, and another portion had been in possession of the uncle of the landlord during the latter's minority. It appeared that the house alluded to was built by the tenant, notwithstanding the prohibition of the landlord.

Dr. KENNY asked, was it not a fact that the landlord never interfered with the building of it?

Colonel KING-HARMAN: My information is there was a distinct prohibition.

HOSPITALS (IRELAND)—WHITWORTH HOSPITAL, DRUMCONDRA.

Dr. KENNY (Cork, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If he could state how the Committee of the Whitworth Hospital, Drumcondra, Dublin, is constituted; whether the members are elected by votes of subscribers to the Charity or by co-option; and, if by latter mode, under what authority are they so elected; and, whether, as this Hospital was omitted from the list of Medical Charities investigated by the recent Hospital Commission, he will direct inquiries to be made as to whether the present scheme under which it is managed is according to the terms of the original Trust, and, if necessary, to draw up a new scheme?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, he had no knowledge as to how the Committee was constituted, this not being one of the Hospitals in receipt of a Government grant, nor one as to which the Hospital Commission made investigation. He had no objection to make inquiries.

ROYAL IRISH CONSTABULARY—DEATH OF CONSTABLE REILLY.

Mr. J. E. REDMOND (Wexford, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Constable Reilly, who died of heart disease while on duty in Wexford on the night of July 23rd, had been for some time in a delicate state of health; whether on the day of his death he had been on duty for about 15 hours without rest or refreshment; whether the verdict of the Coroner's jury censured the authorities for keeping him on duty for which he was physically unfit; whether he had served in the Royal Irish Constabulary for 29 years; and, whether, in view of all the circumstances, his wife and family of eight children will be in some measure provided for?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, the County Inspector of Constabulary stated that no Report was made that Reilly had ever been in delicate health; but he was always considered to be a strong man. He had received no specific treatment for the past six years on account of illness. Reilly was paraded for duty at 9.45 a.m., and he went off at 9.25 p.m. He was seven hours actively on duty, and had three meals during the day. The Coroner's jury stated that he was employed on duty whilst in a weak state of health; but there was no evidence to show that. Reilly had been 28¾ years in the service; and, in addition to the grant from the Constabulary Force Fund, his widow is entitled to a pension so long as she remains a widow, and the children will receive an allowance until they attain the age of 15 years.

WAR OFFICE (ORDNANCE DEPARTMENT)—THE NEW SWORD BAYONET.

Mr. WOOTTON ISAACSON (Tower Hamlets, Stepney) asked the Secretary of State for War, Whether he is aware that there is a foresight placed on the ring of the new sword bayonet (issued to the Navy this year), and that, when the bayonet is fixed, this foresight is to the left of the proper foresight of the rifle, and very much higher, so that accurate shooting is thereby rendered impossible; whether the finish of the weapon is very inferior; and, whether, as it is considerably shorter than the former pattern, it is not less effective when used as a sword?

The SURVEYOR GENERAL of ORDNANCE (Mr. Northcote) (Exeter) (who replied) said: The foresight on the ring was introduced on the recommendation of the Special Committee on Small Arms, to meet a want which had been experienced in the exceptional circumstance of firing with sword-bayonet fixed, a mode of firing only applicable to short ranges. The sight was carefully adjusted, so as to correct shooting "high" and "to the left," which are found to occur when firing with sword-bayonet fixed. It has been favourably reported on by the officers under whom it has been tried. No complaint has been received as to the finish of the weapon. It is well known that this sword-bayonet is shorter than the former pattern; but it has been approved by both Military and Naval Authorities; and its supply to the Navy in substitution of the former pattern is made at the direct request of the Lords Commissioners of the Admiralty.

PALACE OF WESTMINSTER—VENTILATION OF THIS HOUSE.

Mr. ESSLEMONT (Aberdeen, E.) asked the First Commissioner of Works, Whether he has any reason to believe that the noxious air in this House is due to the artificial system of ventilation; and, whether, by way of experiment, he will allow the present system to be discontinued for a few days in order to allow fresh air to be admitted from the windows in the roof?

The FIRST COMMISSIONER (Mr. Plunket) (Dublin University): I have no reason to believe that the air in this House is noxious; and what the hon. Member calls the artificial system of ventilation consists simply in this—that the air which Members have been breathing is drawn out through the ceiling, so that fresh air may constantly enter the House more freely from below. In hot weather this air is passed over ice to make it cooler. I cannot advise that the experiment suggested by the hon. Member of discontinuing this system should be tried.

Dr. KENNY (Cork, S.) asked, whether the suggestion made by the hon. Member for Mid Cork (Dr. Tanner), that the air entering the House should be strained through cotton wadding, had received attention?

Mr. PLUNKET: We have been trying these experiments, but are waiting for the next fog.

BOARD OF TRADE — LIGHTHOUSE ILLUMINANTS—CORRESPONDENCE.

Mr. T. W. RUSSELL (Tyrone, S.) asked the Secretary to the Board of Trade, Whether he will lay upon the Table of the House a Copy of the Correspondence on the subject of Lighthouse Illuminants between Shipowners of Liverpool, Glasgow, Newcastle-on-Tyne, and other seaports, Harbour Authorities of Newcastle-on-Tyne, Stockton-on-Tees, and Cork, Mr. J. R. Wigham and others, the Trinity House, and the Board of Trade, which has taken place since the issue of the last Return on the subject?

The SECRETARY (Baron Henry De Worms) (Liverpool, East Toxteth): I have no objection, if the hon. Member will move for them.

BURIALS ACT—NEW CEMETERY FOR BATTERSEA.

Mr. O. V. MORGAN (Battersea) asked the Secretary of State for the Home Department, Whether he is aware of the urgent need of a new cemetery for Battersea, and that it is impossible to obtain a site within the parish, in which there are about 2,500 deaths per annum; whether it is a fact that the opposition to the proposal to establish a cemetery at Rosehill Park, Sutton (which site has been officially proved by the Government Medical Officer under the Burials Act), comes from a very limited part of the district, as against the unanimous decision of the people of Battersea; and, whether he can state the grounds upon which the necessary certificate is withheld, in view of the great public urgency of the matter?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): I am aware that there is great need of a new cemetery for South London, including Battersea. I am not aware whether it is possible to procure a site in Battersea. The opposition to the cemetery at Rosehill Park comes from Public Bodies, from landowners, from residents, and, so far as I can judge, from a majority in Sutton. I am daily receiving communications on the subject, and am expecting others. The necessary sanction has been hitherto withheld because it was twice refused by my Predecessor and myself on former applications, while the present renewed application by the Battersea Board was not made till June. The site was approved by the Government medical officer, only subject to certain sanitary conditions, which I do not see my way at present to enforce efficiently, because the opposition of Sutton is such as I have described, and because I am not without hopes that the parties interested may still arrive at an agreement as to some modified scheme. I must add that the most fitting procedure in this case would have been an application to Parliament, such as was successfully made in the case of other great Metropolitan cemeteries.

LAW AND JUSTICE (METROPOLIS)—"POLE v. ENDACOTT."

MR. CUNNINGHAME GRAHAM (Lanark, N.W.) asked the Secretary of State for the Home Department, Whether it would be possible to obtain the remission of the costs in the appeal case, decided in the Middlesex Sessions Appeal Court, of Edward Pole against Police Constable Endacott?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): No, Sir; I do not think it will be possible to obtain the remission of the costs in the appeal of Edward Pole against Mr. De Rutzen. The Court of Quarter Sessions ordered him—as they had power by law to do—to pay the costs of the appeal, in which the conviction was affirmed (although the sentence was reduced), and in which the defence or an *alibi* set up by Pole was rejected.

MR. BRADLAUGH (Northampton) asked whether, seeing that the appeal was successful to the extent of reducing the imprisonment by one-third, the Treasury might not forego the £13 or £15 costs?

MR. MATTHEWS replied that the appeal was unsuccessful on the two points on which it was raised. He saw no reason why the appellant, under the circumstances, should not pay the costs.

POST OFFICE (IRELAND)—THE POSTMISTRESS OF KILBRIDE, CO. WICKLOW.

MR. W. J. CORBET (Wicklow, E.) asked the Secretary to the Treasury, Whether he has received a Memorial from the parish of Kilbride, County Wicklow, signed by a number of respectable inhabitants, including the clergy of both denominations, in favour of the appointment of Mrs. Cullen as postmistress of the local post office, in the room of her husband, lately deceased; whether it is true that Mrs. Cullen discharged the duties during her husband's lifetime; and if he can state why, under the circumstances, she has not been appointed?

SIR HERBERT MAXWELL (A LORD of the TREASURY) (Wigton) (who replied) said, a Memorial was received, and inquiries were made, with the result that Mr. Cole was recommended on the 27th June last.

POST OFFICE (IRELAND)—THE POSTMASTERSHIP OF KILBRIDE, CO. WICKLOW.

MR. W. J. CORBET (Wicklow, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that the relieving officer of the district at Kilbride has been in the habit of leaving the money intended for poor people on out-door relief at the shop of a Mr. Cole; whether it is a fact that when they have called for their pittance they have been obliged to take it in kind, bread, meal, &c., Mr. Cole refusing to give them the money; whether the practice has existed for years, and whether it will be put a stop to; whether he is aware it is intended to appoint Mr. Cole to the office of postmaster at Kilbride; and, whether he will communicate with the Secretary to the Treasury on the subject?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the Local Government Board had ascertained that the present relieving officer had been in the habit of leaving the money at Mr. Cole's shop, and the practice had been pursued for several years. The Clerk of the Union stated that the practice was never pursued without the consent of the poor people themselves, and it was mostly done at their request. No complaint had been received with regard to it. The Local Government Board were not aware whether the people had to take goods instead of money; but they considered the practice of leaving the money at the shop was objectionable, and they had taken steps to have it discontinued. As to the appointment of Mr. Cole as postmaster, it would be for the Postmaster General to decide if any further action was necessary.

MR. SEXTON (Belfast, W.) asked, would the Government look into the facts of this case, in order to say whether they showed a conspiracy to compel people to abstain from what they had a legal right to do—namely, to buy goods from a particular shopkeeper; and, if so, would they institute a prosecution?

Mr. W. J. CORBET: May I ask, will the right hon. and gallant Gentleman inquire into the matter, and ascertain whether they are compelled to take their relief in kind?

Colonel KING-HARMAN said, the Local Government Board had not yet discovered that such allegations were correct; but, in view of the possibility of such things taking place, they had taken steps to bring about the discontinuance of the practice of leaving the relief at this shop.

POST OFFICE (IRELAND)—POSTAL ROUTE TO KILBRIDE, CO. WICKLOW.

Mr. W. J. CORBET (Wicklow, E.) asked the Postmaster General, Whether he is aware it is intended to change the route by which the post is carried to Kilbride, from Wicklow, for another and longer route, by which the people in whose interest the post was established will be greatly inconvenienced; and, what is the reason for the change?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): I am not aware of any intention to change the route to Kilbride; but I will have inquiry made on the subject.

LAW AND POLICE—EXPLOSION AT THE POLICE OFFICE, LLANERCHYMEDD, CO. ANGLESEY.

Mr. KENYON (Denbigh, &c.) asked the Secretary of State for the Home Department, If he has any information which he can communicate to the House as to the cause and the circumstances of the explosion at the police office at Llanerchymedd, in the County of Anglesey?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): I have obtained a Report from the Chief Constable of the county, who informs me that a dastardly attempt was made to blow up the police office in question at about 12.30 a.m. on the morning of the 27th ultimo. Much damage was done, and there was a considerable destruction of property. The explosion was caused by powder, placed in an old iron tea kettle, and ignited by a blasting fuse. This apparatus was placed on the window ledge outside. Up to the present no sufficient clue has been arrived at; but there is no doubt that it was done by someone well acquainted with the place. Inquiries are proceeding.

ADMIRALTY—COLLISION OF THE "AJAX" AND "DEVASTATION."

Sir EDMUND COMMERELL (Southampton) asked the First Lord of the Admiralty, If there are any ironclads available to take the place in the manœuvres of the *Ajax* and *Devastation* disabled by collision?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): My hon. and gallant Friend will be gratified to hear that the damage to the *Devastation* and the *Ajax* by the recent collision is proved to have been much less than was anticipated. They have both been repaired, and have rejoined the Squadron to which they are attached.

COMMONS (METROPOLIS)—TOOTING COMMON.

Sir THOMAS ESMONDE (Dublin Co., S.) asked the Secretary of State for the Home Department, If he is aware that a Resolution was passed, on the 1st of June last, at a meeting of the Streatham Vestry, attended by only one-third of the members, to restrict the right of the public to ride over Tooting Common; whether the proposal, if carried out, will entail a heavy extra charge upon the ratepayers, most of whom are entirely opposed to the scheme; and, if, under the circumstances, steps can be taken to prevent this infringement of ancient public rights before the next Session of Parliament, and until the ratepayers have had full opportunity of expressing their views upon the matter?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): I have not seen any report of the proceedings of the Streatham Vestry; but such a Resolution would have no operative value. No bye-law has yet been made by the Metropolitan Board of Works, or submitted to me for allowance; and by the Statute a bye-law cannot be allowed unless notice of the intention to apply for the allowance has been published and advertised at least for one month previously. The ratepayers, therefore, will have full opportunity to express their views.

CRIME AND OUTRAGE (IRELAND)—THE RIOTS AT YOUGHAL.

Mr. HOOPER (Cork, S.E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is correctly represented by the newspapers as having written a letter to a Mr. Irwin, in which he stated, in reference to Captain Plunkett's telegram of the 9th March to the County Inspector at Youghal—

> "A savage attack had been made upon the police in the execution of their duty, in which many of them had been badly hurt. The Government had reason to know that a further organized attack was in contemplation. Had this attack taken place, it would certainly have led to the infliction of further injuries, and almost certainly to loss of life:
>
> "The only means by which those consequences could be averted was to let it be clearly understood that such an attack would be resisted by the police in the most effective and vigorous manner possible. This method proved effectual, and the result of the telegram was to stop the intended assault and all the train of evils by which it would inevitably have been followed;"

and, if he will inform the House what means were taken to give publicity to the telegram in question, and so apprise the people of the determination of the authorities?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): The Government had reason to know that a telegram of this character, if sent in clear, and not in cipher, would soon become public property, and they were proved to be accurate in that forecast, for the telegram appeared in the newspapers next morning.

MR. HOOPER asked, whether, so far from the authorities agreeing with the right hon. Gentleman as to the publicity of the telegram, they did not hold an inquiry to ascertain how it was divulged?

MR. A. J. BALFOUR said, his attention had not been called to the process by which it became public.

MR. T. C. HARRINGTON (Dublin, Harbour): With respect to the portion of the right hon. Gentleman's letter which states that a savage attack was made on the police in the execution of their duty, in which many of them had been badly hurt, may I ask him whether his attention was called to a sworn statement of the officer who was in charge of the men on this occasion, in which he swore that the statement made by the right hon. Gentleman in this House was utterly untrue?

MR. A. J. BALFOUR: No, Sir; I was not at all aware of anything of the kind.

MR. T. C. HARRINGTON: I would ask the right hon. Gentleman whether he has received any information as to the number of men injured on this occasion?

MR. A. J. BALFOUR: On previous occasions I have given full information with regard to this matter. I answered at least a dozen Questions, and if the hon. Gentleman will refer to them he will find the information he desires.

POST OFFICE (TELEGRAPH DEPARTMENT)—INSULATORS.

COLONEL HUGHES-HALLETT (Rochester) asked the Postmaster General, The price paid by the Government for the telegraph insulators manufactured by one particular firm; and, what is the ordinary market value of this insulator?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): The latest price paid for the insulator used by the Department referred to in the first part of the hon. Member's Question is 10*d.*; and as this kind of insulator is manufactured solely by the firm from whom they are obtained, 10*d.* may be taken as the ordinary market value.

LABOURERS (IRELAND) ACTS 1885, 1886—THE ALLOTMENT SECTIONS.

MR. CONDON (Tipperary, E.) asked Mr. Attorney General for Ireland, Whether, under the allotment sections of the Labourers (Ireland) Acts, 1885 and 1886, the Irish Boards of Poor Law Guardians have power to provide half an acre of land for the benefit of any agricultural labourers (as defined by the Acts) residing within the limits of an urban sanitary district within the union?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The question of the hon. Member does not state any facts or relate to any case; it invites an abstract opinion on a point of law, and an opinion so given may be misleading, as the hon. Member's mind may be addressed to some point not present in my mind. Speaking generally, the Labourers Acts seem intended for the benefit of labourers residing in the sanitary district. It would not seem right that a Rural Sanitary Authority, who had to provide these lands, should incur expense for the benefit of men living in a district over which they had no control.

MR. SEXTON (Belfast, W.): I would like to ask the Attorney General for Ireland, If an agricultural labourer happens to reside in an urban sanitary district, if the Board of Guardians are to be debarred from giving him the benefits of the Labourers Act, however much they may have desired it?

Mr. GIBSON: I have given my opinion as to the construction of the Act. The expense of these allotments falls entirely on the Rural Sanitary Authorities; and, in my opinion, the expenses cannot be borne for the benefit of persons living in an urban district which in no way contributes. The labourers ought to live in the district which is subject to the rate.

Mr. T. C. HARRINGTON (Dublin, Harbour) asked, whether the meaning of the Act was not this—that a person who lived in the locality was entitled to the benefit of the Act by the erection of a cottage; and that in this matter more regard was had as to where he was actually living before the cottage was built, not to where he might come from?

Mr. GIBSON: The question which is now asked me has no reference to the Question on the Paper. The Question on the Paper is, whether labourers who live in an urban sanitary district may receive allotments in a rural sanitary district which will have to pay for those allowances; and I have said I do not think they can.

TECHNICAL INSTRUCTION BILL—CHOICE OF SUBJECTS.

Mr. HOWARD VINCENT (Sheffield, Central) asked the Vice President of the Committee of Council on Education, If Her Majesty's Government propose, when their Technical Instruction Bill becomes law, to lay down any scheme of technical and commercial education for general application, or to leave the choice of subjects very largely to the Local Authorities and the special requirements of the trade and commerce of a particular district?

The VICE PRESIDENT (Sir William Hart Dyke) (Kent, Dartford): It is not proposed that the Science and Art Department shall prepare any general scheme of technical instruction beyond that provided in the Directory; but rather that each Local Authority asking for sanction shall submit a scheme specially adapted to their locality for the approval of the Department.

Mr. JAMES STUART (Shoreditch, Hoxton) asked, whether French and German would be included in the subjects allowed?

Sir WILLIAM HART DYKE replied that he thought the answer he had given covered that question entirely.

Mr. MUNDELLA (Sheffield, Brightside) complained of the vagueness of the answer.

Sir WILLIAM HART DYKE said, he thought these questions had better be discussed on the second reading of the Bill.

EVICTIONS (IRELAND)—EVICTION AT MENIES, CO. CORK.

Dr. KENNY (Cork, S.) asked Mr. Attorney General for Ireland, Whether he is aware that about a month ago a tenant named Kingston was evicted at Menies, County Cork, and that owing to the absence from the eviction of the local relieving officer this man and his family would have been compelled to seek shelter for the night by the roadside, but for the charity of his neighbours; whether Kingston was subsequently admitted to the Skibbereen Workhouse; and, whether he will introduce into the Irish Land Law Bill now before the House such provisions as will ensure the attendance at evictions of the district relieving officer, in order that provisional relief may be afforded to such of the evicted as may require it?

The ATTORNEY GENERAL for IRELAND (Mr. Gibson) (Liverpool, Walton), in reply, said, the relieving officer reported that Kingston was evicted on June 10th out of a farm. The relieving officer went immediately to his house, and Kingston, who did not go to the workhouse, received £1 a-week for four weeks. He was asked to go to the workhouse on the following day, but he refused. Under the existing law 48 hours' notice must be given to the relieving officer of the Electoral Division; and on application by a distressed person he was to admit such person, and, if necessary, provide a conveyance. It was impossible to always have the personal attendance of the relieving officer; but it was that official's duty to take the necessary steps to carry out the necessary regulations.

Dr. KENNY asked the right hon. and learned Gentleman if he was aware that his Predecessor promised that he would amend the law in this matter?

MR. GIBSON said, he was aware his Predecessor admitted there was some difficulty in the present law which it might be desirable to amend; but he held out no immediate hope of such Amendment.

METROPOLITAN POLICE—ASSISTANT CHIEF CONSTABLES.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the Secretary of State for the Home Department, Whether a new grade of superior officers of the Metropolitan Police, called Assistant Chief Constables, had recently been created; whether Captain Dean and Captain Knollys have been appointed to these offices; and, if so, at what salary; and, what experience of police duties these gentlemen had before their appointment to the Metropolitan Police?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): Yes, Sir; the new grade in question has been created, and the gentlemen named have been appointed. The salary is £400 a-year, rising by £25 per annum to £600. These gentlemen, from their former experience in Cavalry and Infantry regiments respectively, were, in my opinion, fully qualified for the duties they are now called upon to perform—namely, in the one case the superintendence of the mounted portion of the force; and in the other the drilling instruction and care of recruits.

MR. PICKERSGILL: Have the officers been experienced in police duties?

MR. MATTHEWS: They have been in the Cavalry and Infantry respectively.

WAR OFFICE—PROMOTION OF CAPTAINS TO FIELD OFFICERS' RANK.

COLONEL HUGHES-HALLETT (Rochester) asked the Secretary of State for War, Whether he will take into consideration, with a view to correction, the present stagnation in promotion to Field Officers' rank among the Captains in the Army; when the claims of Captains will be considered, as laid down in Clause 29 of Royal Warrant of 1837; and, whether it is intended to absord all the supernumerary Majors before promoting any of the Captains?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): During late years promotion has been so abnormally rapid that I am not prepared to admit anything like a general stagnation. Although, from the abolition of seconded Majors by the recent Promotion Warrant, there may be in some regiments some suspension of promotion, it is also not to be denied that cases may occur in which the absorption of all the supernumerary Majors, before allowing any promotion to the Captains, would cause considerable hardship. Article 29 of the Royal Warrant of 1886 allows the Secretary of State a discretion in the matter; and I shall be ready to consider each case on its merits as it arises.

ROYAL IRISH CONSTABULARY—RESCUE BY POLICE CONSTABLE S. UBANK.

SIR THOMAS ESMONDE (Dublin Co., S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the reports of the rescue of a would-be suicide at Kingstown by Police Constable Samuel Ubank on Wednesday last; and, if the constable will be rewarded for his bravery on the occasion?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The gallant conduct of Constable Ubank on the occasion alluded to has come before the Commissioner of Police, who will not fail to take the steps necessary to have the constable's bravery rewarded.

TRAMWAYS (IRELAND)—SCHULL AND SKIBBEREEN TRAMWAY.

MR. BIGGAR (Cavan, W.) asked the Secretary to the Treasury, Whether, in view of the break down of the Schull and Skibbereen Tramway, notwithstanding the Report of the Government Inspector in its favour, he will re-consider the question of the loan applied for by the Cork and Coachford Tramway Company?

SIR HERBERT MAXWELL (A LORD of the TREASURY) (Wigton) (who replied) said: The Treasury sanctioned the loan provisionally for the satisfactory completion of the line. The payment would not be made until the Treasury were satisfied that the several sections of the line had been satisfactorily completed. Therefore, the Secretary to the Treasury did not think it necessary to re-consider his decision on the grounds stated in the Question.

INDIA—INDIAN CONTAGIOUS DISEASES ACT.

Mr. JAMES STUART (Shoreditch, Hoxton) asked the Under Secretary of State for India, Whether he can yet make any statement as to the intentions of Her Majesty's Government with respect to the repeal of the Indian Contagious Diseases Act, and of the Regulations for the same object under the Cantonment Acts?

The UNDER SECRETARY of STATE (Sir John Gorst) (Chatham): The Secretary of State has called the attention of the Government of India to both subjects, and is expecting a despatch from India in reply. Until this is received, it is impossible to make any definite statement.

INDIA—JUBILEE DEPUTATION FROM THE NIZAM OF HYDERABAD—SIRDAR DILER-UL-MULK.

Mr. M'LAGAN (Linlithgow) asked the Under Secretary of State for India, If Sirdar Diler-ul-Mulk, who was attached to the Jubilee Deputation from the Government of H. H. the Nizam of Hyderabad, the same person who came to England to negotiate the conversion of the Nizam's State Railway with the present Company; did the said Sirdar Diler-ul-Mulk obtain £83,000 out of the sum subscribed for the said railway conversion, in addition to £16,000 given to him for incidental expenses, for performing the duty he came officially to England to execute; were the India Office Authorities aware of the fact that he had been promised this sum by the late Prime Minister of Hyderabad; or is it true that, though in constant official communication with the authorities as to this conversion scheme, he never disclosed this fact to them, but led them to believe that he was to reap no pecuniary advantage for himself, and was only a disinterested negotiator, acting solely in the interest of the Government which had entrusted him with this duty; is it true, as stated in *The Times* of 22nd July, that there is a probability of this same Sirdar Diler-ul-Mulk being appointed one of the two Secretaries of State, who, with the Premier, are to form the Cabinet of the Nizam; and, has the Governor General of India the rights of vetoing the appointment of a Secretary of State of the Government of Hyderabad?

The UNDER SECRETARY of STATE (Sir John Gorst) (Chatham): The facts are substantially as stated in the first three paragraphs of the Question. Neither the Secretary of State nor the Government of India was aware of the arrangement between the Sirdar and the late Sir Salar Jung. A proposal of the nature indicated in the fourth paragraph was mooted by the Nizam; but the proposal did not commend itself to the Government of India, and does not appear to have been further pressed by His Highness. As regards the fifth paragraph, Hyderabad is an independent State. Our influence over it is of a *quasi*-diplomatic character, and cannot easily be defined.

CRIMINAL LAW AMENDMENT (IRELAND) ACT — APPOINTMENT OF MAGISTRATES—MR. T. HAMILTON, MAJOR BERESFORD.

Mr. M'CARTAN (Down, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to a report in *The Belfast News Letter* of the 28th July, to the effect that Mr. Thomas Hamilton and Major Beresford are two of the four legal magistrates appointed to administer the Coercion Act in Antrim, Down, and other counties in Ulster; whether he is aware that neither of these gentlemen ever practised at the law, nor ever passed a legal examination; whether Mr. Hamilton was formerly in the Revenue Police and afterwards in the Royal Irish Constabulary, and Major Beresford was a country gentleman who had been 13 years in the Army; and, whether he will state what was the legal qualification which satisfied the Lord Lieutenant as to the sufficiency of the legal knowledge of these gentlemen?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): Sir, four Resident Magistrates, already stationed in the Northern Constabulary Division, have been declared to be legally qualified within the meaning of Section 11 of the Criminal Law Amendment (Ireland) Act. Two of these are the gentlemen referred to in the Question. I am not aware whether either of them ever underwent any legal examination; but they are both experienced magistrates, and possess accurate knowledge of the law. Major Beresford served in the Army from 1866 to 1879, and prior to his appointment as Resident Magistrate, in 1882, he was a Justice of the Peace. During his service he has proved an efficient magistrate, and is possessed of ample legal knowledge. Mr. Hamilton did serve in the Revenue Police, and afterwards as a Constabulary officer. In 1867 he was appointed to a Constabulary Resident Magistracy; and he was one of the Resident Magistrates of whose legal knowledge Earl Spencer declared himself satisfied under the provisions of the Crimes Act of 1882.

LOCAL GOVERNMENT—LEGISLATION.

Mr. HOWARD VINCENT (Sheffield, Central) asked the First Lord of the Treasury, When the Bills indicated in Her Majesty's Gracious Speech from the Throne, for the improvement and extension of local government throughout Great Britain and Ireland, will be laid before Parliament and placed in the hands of Members?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): The condition of Public Business renders it impossible to produce either of the measures referred to during the course of the present Session.

PRIVATE BUSINESS AND IMPERIAL LEGISLATION—"DEVOLUTION."

Mr. ESSLEMONT (Aberdeen, E.) asked the First Lord of the Treasury, Whether the Government have taken into consideration the large proportion of time which has been taken up this Session with what is termed Private Business; and, if so, whether they will consider the advisability of proposing some system of "Devolution" in order to conserve the time of the House for Imperial Legislation?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): The Government are sensible of the importance of the question referred to by the hon. Member; but he must be aware that a measure of "devolution," as he terms it, proposed by the hon. Member for the Partick Division of Lanarkshire (Mr. Craig-Sellar), was met by determined opposition; and that a Motion to appoint a Committee to consider the whole question was blocked by an hon. Gentleman opposite. We hope, however, to give the matter, during the Recess, the serious consideration which it deserves.

ADMIRALTY—PRINCE LOUIS OF BATTENBERG—H.M.S. "DREADNOUGHT."

Mr. W. REDMOND (Fermanagh, N.): I beg to ask the First Lord of the Admiralty a Question of which I have given him private Notice — namely, Whether it is a fact that a German Prince—Prince Louis of Battenberg—has been appointed to the command of Her Majesty's Ship *Dreadnought*, over the heads of some 30 British officers who stood before him for promotion; and, if this be so, will the noble Lord state what are his qualifications for that position above those of the officers in question; and, what are the reasons of the Government in giving him such an extraordinary mark of favour over officers of longer service?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): That is not the Question of which the hon. Member gave me Notice. That question was, whether Prince Louis of Battenberg had been appointed Commander of the *Dreadnought?* I am now asked if he is to be Captain, and why he is promoted over the heads of other officers. He is not to be made a Captain, nor is he to be promoted over other officers' heads. It is not true that Prince Louis of Battenberg has been appointed Commander of the *Dreadnought*——[Mr. W. Redmond: Captain?] No. But, in all probability, he will be appointed Commander, because I have been looking this afternoon into the qualifications of the officers eligible for that appointment, and, in my judgment, Prince Louis, by his past experience and record of service, is best qualified to perform the duties.

Mr. PICKERSGILL (Bethnal Green, S.W.): Then I beg to give Notice that if Prince Louis of Battenberg is appointed, I shall move that his salary be disallowed.

Subsequently,

Sir EDMUND COMMERELL (Southampton) said: Mr. Speaker, with reference to the Question addressed to the First Lord of the Admiralty, I beg leave to say that Prince Louis of Battenberg served as lieutenant under my command, and a more competent officer ——[*Cries of* "Order!"]

CRIMINAL LAW AMENDMENT (IRELAND) ACT—PROCLAMATION OF CO. WICKLOW.

Mr. MAC NEILL (Donegal, S.): I wish to ask the Chief Secretary to the Lord Lieutenant of Ireland a Question of which I have given him private Notice with reference to the Criminal Law Amendment (Ireland) Act, Whether his attention has been directed to the charge delivered by Mr. Baron Dowse to the Grand Jury of the County Wicklow on Friday last; whether it is true, as reported, that the learned Judge stated—

> "He looked with sympathetic air on the Crown counsel. The number of offences had decreased from 13 to 7, though in minor cases there was an increase; but why there should be a decrease at one time and an increase at another, he could not say. It was like one day being wet, and another dry. He (the learned Judge) was to discharge the gaol, and there was no one in it!"

Under these circumstances, he would ask the right hon. Gentleman, on what grounds the provisions of the Coercion Act were applied to Wicklow, or do they intend to fill the gaol, which is at present empty, with persons charged with offences which the late Attorney General (Mr. Holmes) said were created by the Act?

Mr. T. W. RUSSELL (Tyrone, S.) said, before the right hon. Gentleman answered this Question, he wished to ask whether the learned Judge stated that he referred to overt cases of crime?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.), in reply, said, he had not had the advantage of studying Baron Dowse's Charge; but he had no doubt the extracts referred to were correct. The hon. Gentleman (Mr. Mac Neill) asked why the Government had put the provisions of the Criminal Law Amendment (Ireland) Act in force in Wicklow? They had not done so. The only provisions put in force were sub-head B and sub-head C of Subsection 3 of Clause 2, which, as the hon. Gentleman was aware, was very different to putting the provisions of the Act in force. He believed the statement of opinion which the hon. Gentleman quoted from Mr. Justice Holmes was not quite accurate.

CRIMINAL LAW AMENDMENT (IRELAND) ACT—RUMOURED PROCLAMATION OF THE NATIONAL LEAGUE.

Mr. E. ROBERTSON (Dundee): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether there is any truth in the statement which has been widely circulated in the newspapers that the Government have decided to proclaim the National League in the last week in this Session?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): Well, Sir, I cannot answer Questions about wholly unauthorized reports in the newspapers.

ALLOTMENTS BILL.

In reply to Mr. H. Gardner (Essex, Saffron Walden),

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster) said, it was not in the power of the Government to put the Allotments Bill down for any day this week.

IRISH LAND LAW BILL—CLAUSE 21.

Mr. PARNELL (Cork): I wish to ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has decided what to do with regard to Clause 21 of the Irish Land Law Bill?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.), in reply, said, there were other clauses besides Clause 21 to which objection was taken, but which the Government had always regarded as valuable. It might be possible that they would consent to abandon them, in whole or in part, if there was some understanding in return that additional clauses of which Notice had been given by private Members should also be dropped. It would be hard to ask the Government to adopt this course if the Bill was to be made use of to introduce a large number of clauses which they considered outside the Bill.

Mr. PARNELL said, he did not think his hon. Friends would desire to import extraneous matter into the Bill; and he was sure the right hon. Gentleman would admit that if the course now being followed were continued, a large number of the proposed new clauses would not be proceeded with.

BELFAST GOVERNMENT BILL.

MR. SEXTON (Belfast, W.) asked, whether the Government intended to make an effort to pass into law this Session the Bill for better preserving social order in Belfast, which was founded on the recommendations of a Royal Commission?

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.), in reply, said, he was anxious to pass the Bill, as well as other Bills for Ireland; but whether the state of Public Business would allow the Government to do so was another matter. The urgency for the measure had been somewhat diminished by the passing of the Criminal Law Amendment (Ireland) Act.

BUSINESS OF THE HOUSE—ARRANGEMENT OF PUBLIC BUSINESS FOR REMAINDER OF SESSION.

MINISTERIAL STATEMENT.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): Sir, I entered into an engagement with the House on Thursday last to make a statement in regard to Public Business this evening, and to intimate at least some of the Bills which the Government thought it right to introduce which cannot be proceeded with during the course of the present Session. We abandon those Bills with great regret, because we are conscious that they are looked upon with great interest and importance by all parties in the House. First of all, Sir, I shall refer to the Railway and Canal Traffic Bill, for which it is clear sufficient time cannot be afforded, and also to the Land Transfer Bill, which has been received generally with great interest in the country, and which we had certainly hoped to have passed into law this Session. There is another Bill which is opposed, and which, we fear, we shall not be able to proceed with—the Lunacy Acts Amendment Bill. I also knew that Bill to be exceedingly valuable; but it would appear that sufficient time is not to be allowed us to pass it into law. The measures with which we propose to persevere are the Mines Regulation Bill, the Irish Land Bill, the Allotments Bill, and the Technical Instruction Bill. There will be some minor measures which will not, I hope, occupy much time; they are very necessary although they are subsidiary measures. I speak of some Consolidation Bills—the Sheriffs Consolidation Bill for Scotland and the County Courts Consolidation Bill for England. But if hon. Gentlemen discuss these measures at any great length it is obvious that it will be impossible for us to persevere with them. They contain no controversial matter; but are simply Bills to codify the law as it exists in order to make it more accessible to those who have to deal with it. I come next to the Questions which have been asked by the hon. Member for Shropshire and the hon. Member for Denbighshire with regard to the Tithe Rent-Charge Bill. I venture even yet to express a hope that the House will consent to consider that measure during the present Session. I am aware that it is strenuously opposed by some hon. Gentlemen opposite and by others who sit behind me; but when regard is had to the extremely critical condition of the public peace in some parts of the country, I think the House would do well to give a short amount of time to the consideration of a measure which has regard to the maintenance of public order more than to the maintenance of any particular faith or church. We desire to assert that the tithe rent-charge is the first charge upon the land; and, therefore, all parties in the House ought to endeavour to maintain that charge and to place it in such a position that it may be collected without difficulty or danger to the public peace. But, Sir, we are in the hands of the House in this matter, and the responsibility, if disturbances continue, must rest very largely with those who feel it to be their duty, at all risks, to resist the consideration of this measure. I entertain the hope that Committee on the Irish Land Bill may be concluded in the course of to-morrow. I hope I am not too sanguine in that expectation. There is the strongest desire on the part of the Government to pass that Bill with as little delay as possible, and there are reasons which are known to hon. Gentlemen in all parts of the House which render it most desirable that that wish on the part of the Government should be satisfied. If we succeed in passing the Land Bill through Committee on Tuesday, we shall proceed with the Civil Service Estimates on

Wednesday and with the Army Estimates on Thursday. It is absolutely necessary for the Public Service that we should obtain Votes for the Army on Thursday. We shall proceed either with the Land Bill on Report on Friday and Saturday or with the Civil Service Estimates. I shall have to ask the House to sit on Saturdays for the remainder of the Session.

MR. JOHN MORLEY (Newcastle-upon-Tyne): I wish to ask the right hon. Gentleman whether the Government will not consider the possibility of taking only the fourth part of the Land Transfer Bill, and whether we may assume, as I suppose we may, that the Government do not intend to bring in the measure familiarly known as Coercion Bill No. 2?

MR. W. H. SMITH: The right hon. Gentleman must draw no inference from the absence of any statement of what he is pleased to term Coercion Bill No. 2. I will consult my Colleagues with reference to the fourth part of the Land Transfer Bill; but hon. Gentlemen will understand that this measure has been produced as a complete measure, and we hold that it would lose most of its efficacy if it was shorn of any portion of its enactments.

MR. A. H. BROWN (Shropshire, Wellington) asked for further information as to when the Coal Mines Regulation Bill would be proceeded with?

MR. W. H. SMITH: As soon as I can see progress made with the Land Bill, I shall make a further statement as to the Coal Mines Regulation Bill, the importance of which we recognize.

MR. T. H. SIDEBOTTOM (Stalybridge) said, he must express great regret and disappointment at the fact that the Government had not seen their way to carrying a Bill dealing with the limited liability law. There was a deep and widespread feeling throughout the manufacturing districts that an amendment of this law was urgently needed, and ought not to be delayed.

MR. BROADHURST (Nottingham, W.) asked if the Government had given up all idea of bringing in an Employers' Liability Bill?

MR. CAMPBELL - BANNERMAN (Stirling, &c.): Perhaps the right hon. Gentleman can say what has become of two Scotch Bills—one dealing with University Education, and the other with the duties of the Secretary for Scotland, which was mentioned in the Queen's Speech. Also what Vote of the Army Estimates is to be taken first?

MR. PARNELL (Cork) said, that, bearing in mind the great importance of securing the passage of the Coal Mines Regulation Bill, a measure in which many hon. Members on that side of the House were very much interested, he would no everything he could to secure the passing of the Land Bill through the Committee by to-morrow evening, or certainly by Wednesday afternoon.

MR. BRYN ROBERTS (Carnarvonshire, Eifion) asked whether no attempt would be made to pass the Tithes Bill?

MR. BRADLAUGH (Northampton) asked whether they were to have two or three days' notice before the introduction of the Indian Budget?

MR. SYDNEY BUXTON (Tower Hamlets, Poplar) asked whether the Bill respecting the maintenance of the Public Parks was to be proceeded with?

MR. WOODALL (Hanley) reminded the right hon. Gentleman that among the Bills which were to be proceeded with he had not included the one for the appointment of Boundary Commissioners.

MR. W. H. SMITH: I did not refer to that particular Bill, because it is obviously one that is not likely to receive any opposition from any part of the House. As to limited liability, that question has received the careful attention of the Government. But it is a question so intricate and requiring so much care that we have not felt ourselves prepared to introduce the Bill which has been drafted. It would be a very serious matter to introduce a measure which would entail more evil than it is sought to cure, and there is great danger in attempting to deal with questions of credit, liability, and responsibility rashly or carelessly. I am asked as to the Secretary for Scotland Bill. It was introduced in the House of Lords on Friday last.

MR. CAMPBELL - BANNERMAN: Will it be proceeded with?

MR. W. H. SMITH: Oh, certainly, unless hon. Gentlemen delay the Session very seriously. I am asked by the Member for Nottingham as to the Employers' Liability Bill. We have not been able to present a Bill, but the existing Act will be included in the Expiring Acts

Continuance Bill. As there is no provision in the Estimates for the management of the Public Parks beyond this year, it is absolutely essential that the Public Parks Bill should be passed into law this Session. With regard to the Votes on the Army Estimates, an opportunity will be given during their discussion for the hon. Member for Preston (Mr. Hanbury) to raise the question of which he has given Notice for dealing with the salaries and pensions of officers who are said to be responsible for the admission of defective sword bayonets into the Navy. The Votes will be taken on Thursday, so as to enable my hon. Friend to bring forward his Motion. I will take care that ample Notice is given of the introduction of the Indian Budget.

Mr. MUNDELLA (Sheffield, Brightside) asked when the second reading of the Technical Education Bill would be taken.

Mr. W. H. SMITH: I cannot say. That depends on the progress made, but I hope to break off Supply some night about 10 or 11 and proceed with the Allotments Bill and Technical Education Bill.

Mr. R. T. REID (Dumfries, &c.) reminded the right hon. Gentleman of the objections often taken to delaying the Indian Budget.

Mr. TOMLINSON (Preston) inquired whether there was any chance this Session of the introduction of a Bill dealing with the Friendly Societies Act?

Mr. W. H. SMITH: There is every hope that we shall be able to introduce a Bill on that subject. It is a small matter, but I believe importance is attached to it by the Friendly Societies, and I see no difficulty in passing it.

Mr. R. PRESTON BRUCE (Fifeshire, W.) said, he wanted to know whether the Government intend to introduce a Universities (Scotland) Bill, and whether the right hon. Gentleman really thought there was any chance of passing this Session a measure of that character? He understood the right hon. Gentleman to say it was intended to go on with the Secretary for Scotland Bill. Was the right hon. Gentleman aware that the Bill had only been published to-day for the first time? That was all the time the Government had thought fit to allow the Scottish Members to examine this measure. Why had a measure mentioned in Her Majesty's Speech, and which, he supposed, had been in the pigeon-holes of the Government for the last six months, only been produced in the closing weeks of the Session, when there was no time properly to consider it?

Mr. HANBURY (Preston) asked if the Vote on which he was to raise his question would be taken first on Thursday? He was under the distinct impression that he had been promised an opportunity of bringing forward his Resolution on the first Vote.

Mr. W. H. SMITH: I will confer with the Secretary of State for War and make arrangements satisfactory to my hon. Friend.

Mr. E. ROBERTSON (Dundee) asked whether the Government would drop the Lunacy Districts (Scotland) Bill?

Mr. W. H. SMITH: No, Sir. We understand that serious consequences will arise in some parts of Scotland if that Bill is dropped. As to the Secretary for Scotland Bill, it contains only two or three clauses, and I apprehend hon. Gentlemen will not have much difficulty in informing themselves as to its contents and all that it involves. The Universities (Scotland) Bill will be introduced, and I am informed by the Lord Advocate that it will not excite any opposition whatever, but will be received with approval by hon. Gentlemen from Scotland. Therefore, Her Majesty's Government will endeavour to pass it; but of course it is in the power of hon. Members for Scotland to prevent it being passed.

Mr. R. W. DUFF (Banffshire) asked when the main Votes on the Navy Estimates would be taken?

Mr. W. H. SMITH: I am not able to say.

Dr. CAMERON (Glasgow, College) asked if the right hon. Gentleman really intended at this period of the Session to commence operations with three important Scotch Bills? The Sheriffs Consolidation Bill, which the right hon. Gentleman disposed of as of no importance, was unknown to Scotch Members, and must involve many technical points, and could not be considered at this time of the Session. Was the right hon. Gentleman aware that the Universities Bill, which he said he would persevere with, had been postponed Session after Session in consequence of the antagonistic interests involved? These measures were mentioned in the Queen's Speech, and the public of Scotland had a right to know beforehand what the Government intended.

MR. W. H. SMITH: I have already said that they will be proceeded with unless hon. Gentlemen from Scotland object in such a manner as to render it impossible to pass them. The whole responsibility will rest on hon. Gentlemen if that were the case. If hon. Gentlemen seriously object to those measures, then the Government will be unable to persevere with them.

DR. CAMERON asked whether the public were to be given no opportunity of expressing their opinion upon these Bills?

MR. MUNRO-FERGUSON (Leith, &c.) asked, how it was proposed to deal with technical education for Scotland?

MR. W. H. SMITH: By a separate Bill.

MR. CAMPBELL-BANNERMAN: Yet another?

MR. ESSLEMONT (Aberdeen, E.) asked if he was correct in supposing that the First Lord of the Treasury said in effect that they should have no Scottish measures passed this Session unless the Scottish Members accepted them without discussion?

MR. W. H. SMITH: No, sir; I said nothing of the kind. It is an entire misrepresentation of what I have said.

MR. BUCHANAN (Edinburgh, W.) said, neither he, nor, did he think, many hon. Members knew what Bill the right hon. Gentleman meant when he referred to the Consolidation Bill for Scotland.

MR. W. H. SMITH: I meant the Sheriff Courts Consolidation Bill—a Bill for consolidating the law with regard to Sheriffs in Scotland.

THE POLICE (ENGLAND AND WALES)—POLICE CONSTABLES' PENSIONS.

SIR HENRY SELWIN-IBBETSON (Essex, Epping) asked, Whether, as the measures of all private Members might be considered as dropped for this Session, the Home Secretary would take into consideration the question of police-constables' pensions, with a view to legislation on it next Session?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS) (Birmingham, E.) was understood to say that the matter had been under his consideration for some time, and he hoped to introduce a measure this year.

ORDERS OF THE DAY.

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IRISH LAND LAW BILL [*Lords*].

[BILL 308.]

(*Mr. A. J. Balfour.*)

COMMITTEE. [*Progress 29th July.*]

[SIXTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

Equitable Jurisdiction.

Clause 22 (Power of Court to stay eviction).

MR. FINLAY (Inverness, &c.): I have to move, in the first line of this clause, after "recovery," to insert the words "of rent due in respect of a holding to which this section applies, or for the recovery;" so that, instead of reading "in any proceedings for the recovery of a holding to which this section applies," the clause will read—

> "In any proceedings for the recovery of rent due in respect of a holding to which this section applies, or for the recovery of a holding."

The object of this Amendment requires very few words, indeed, to explain. This 22nd clause confers equitable jurisdiction upon the Court. In any proceedings taken for the recovery of the holding to which the section applies, or, in other words, in any action for an ejectment it has been repeatedly pointed out that the landlord may, instead of proceeding by ejectment for the recovery of premises, bring an action for rent, and after obtaining judgment may, under certain restrictions and in certain cases, issue a writ of *fieri facias*, under which he may take possession of the holding. The object of the Amendment standing in my name is to bring the proceeding by way of *fieri facias* within the scope of this clause, and I propose to do that by extending the clause to proceedings for the recovery of rent in respect of any holding to which this section of the Bill applies, as well as to proceedings for the recovery of a holding.

Amendment proposed, in page 14, line 40, after the word "recovery," insert the words "of rent due in respect of a holding to which this section applies, or for the recovery."—(*Mr. Finlay.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The object which my hon. and learned Friend has in view in this Amendment is to close what has been described as the back door; but I would suggest that that object will be better attained by an Amendment which I have put on the Paper, which would make the clause read—

"In any proceeding for the recovery of a holding to which this section applies for non-payment of rent, or in any action for debt or damages by any person against the tenant of such holding."

It will, I think, be more convenient to discuss the subject on the solution proposed by the Government, which can be done if the hon, and learned Member will withdraw his Amendment.

MR. MAURICE HEALY (Cork): I hope that the hon. and learned Member for Inverness (Mr. Finlay) will do nothing of the kind. I certainly consider his Amendment a great deal better than that of the right hon. Gentleman opposite, which appears to me to be inconsistent with the object of the clause, and intended to stay proceedings on the part of an ordinary tenant as well as the landlord. The right hon. Gentleman's Amendment will, I apprehend, shut out the ordinary creditor altogether. I do not see why both of the Amendments should not be considered independently, and, certainly, if one of them is to go, I prefer to retain that of the hon. and learned Member. Perhaps the hon. and learned Gentleman will allow me to ask him whether his Amendment is intended to cover the case of bankruptcy, and, also, of distress for rent? At present the landlords of Ireland are not only allowed to go into the holding by the front door or the back door, but by the process of bankruptcy and distress they are allowed to go down the chimney, the only restriction being that the landlord's power of distraining is limited to one year's rent. As I believe the Amendment of the Government will altogether defeat the object of the Amendment moved by the hon. and learned Member, I would ask him if he intends it to cover the case of distress?

MR. FINLAY: I did not intend the Amendment to apply either to the case of bankruptcy or distress for rent. What I had in view was an action to recover rent and the issue of a writ of *fieri facias.*

MR. DILLON (Mayo, E.): I concur strongly in the view expressed by the hon. Member for Cork (Mr. Maurice Healy) that the Amendment of the hon. and learned Member for Inverness, which we are now discussing, is very much better than that which the Government have placed on the Paper. I do not see why the Government should show the same jealousy in regard to Amendments proposed by the Unionist Members as they do in the case of Amendments submitted by the Irish Members. I can understand their unwillingness to accept the Amendments of Irish Members; but the hon. and learned Member for Inverness is a trustworthy ally of the Government, and I would ask the right hon. Gentleman to assign some reason for asking the Committee to pass over the hon. and learned Member's Amendment.

MR. A. J. BALFOUR: The reason why I have appealed to my hon. and learned Friend to withdraw his Amendment is, I think, obvious, on the face of it, when the two Amendments are taken into consideration. The hon. Member for East Mayo (Mr. Dillon) is altogether wrong, when he says that there is any jealousy on the part of the Government of Amendments moved by Irish Members. We have already accepted many Amendments moved by Irish Members, and the reason why we object to the Amendment of the hon. and learned Member for Inverness is that it does not carry out the policy of the Government. It is perfectly true that it might be introduced into the clause with no worse effect than a bit of bad drafting, and that it might be made consistent with our Amendment. The Government are quite ready to close the back door if we can close it impartially. The Amendment we have down does close it impartially; but that of the hon. and learned Member for Inverness will not stop it impartially, but only with reference to the landlords. My own Amendment differs not merely in drafting, but also in principle; and for that reason I would suggest that the Committee should not be required to discuss the first three

Amendments which appear on the Paper, but should go at once to the consideration of the Amendment which the Government intend to propose.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I have an Amendment on this point, but I intend to withdraw it in favour of that of the Government. I think it is quite clear that if we pass this Amendment we shall have to pass that of the Government also, in some shape or other; and, therefore, I think it will save time, and shorten the discussion, if we take the Government Amendment at once.

MR. MAURICE HEALY: I do not agree with the right hon. Gentleman the Chief Secretary that there will be any bad drafting of the Bill in accepting this Amendment, and then discussing that of the Government afterwards. I think that the case of the ordinary creditor and the case of the landlord should be dealt with in two different ways. I will not discuss whether it is right to say—"We will not interfere with the landlord unless we interfere with the ordinary creditor." In my opinion, if we interfere with the remedy of the ordinary creditor we ought also to interfere with that of the landlord. The clause proposes that in the case of the landlord, where he brings an action against the tenant for non-payment of rent, the tenant may apply to the Court, and, under certain circumstances, obtain a stay of execution. That is the effect of the first part of the clause; but I do not think that procedure should be applied to the case of an ordinary creditor. On the contrary, I do not think the proceedings of the ordinary creditor should be stayed until after judgment has been obtained. It should be left open to the creditor to take his judgment, and if the execution is to be stayed it should be done by compelling him to apply to the County Court, or any other Court, to proceed against the tenant's interest in the holding. That is the reason why I say this Amendment is not bad drafting; and I would ask the Government for a plain declaration of opinion upon the point. They themselves propose that an ordinary action for damages is to be stayed in precisely the same manner as the landlord's action for rent. If that is done, it appears to me that it will involve a somewhat strange state of things. Suppose, for instance, that an action is brought against a tenant for a breach of promise of marriage; that is an action for damages, and is it to be said that an action of that kind is to be treated in the same way as an action for rent? I respectfully say that it ought not to be. You may lay down that if the landlord is to be prevented from proceeding you will prevent every other creditor; but let the ordinary creditor be prevented only after he has obtained and recorded judgment. Let us not enact such an absurdity as to say that in an action for breach of promise it shall be competent for a tenant to go into Court and stay proceedings on the ground that he is not in a position to pay the rent.

MR. JOSEPH CHAMBERLAIN (Birmingham, W.): I think it is rather hard on the Government, when they show, as they have done in this case, a desire to meet the wishes of hon. Members below the Gangway, and to extend the provisions of the Bill, that they should have to accept from the Irish Members not only the principles of the Amendments themselves, but the drafting of them also. Surely, when the Government are ready to make an important concession, it is for them to carry out the form of drafting which seems to them most advisable. As to the merits of the question, I am surprised at the speech of the hon. Member for Cork, because I understood there was a distinct agreement on the question which brought about the concession which the Government are now about to carry out. When it was pressed upon the Government that it was undesirable that the *fieri facias* should be left open to the landlord, they expressed their readiness to meet the objection; but they pointed out that it would be extremely unfair to do so unless, at the same time, they dealt with the case of the ordinary creditor. Upon that the Chief Secretary for Ireland was interrupted by some hon. Member below the Gangway—I believe by the hon. and learned Member for North Longford (Mr. T. M. Healy)—who said that that was their proposal in 1881. Evidently, therefore, they saw nothing in the proposal that the ordinary creditor should be excluded. Later on, when I had to refer to the intentions of the Government, I pointed out what had been the nature of the interruption of the hon. and learned Member for North Longford, and challenged him as to whether the Irish Members were still willing to accept the exclusion of the ordinary creditor as well as the landlord. I received an affirmative reply, and there was, therefore, a distinct understanding that the Amendment would deal with the ordinary creditor as well as with the landlord. I hope that the question will be discussed on the Amendment of the Government, and that this Amendment will be withdrawn by my hon. and learned Friend behind me.

Mr. CHANCE (Kilkenny, S.): I think the right hon. Member for West Birmingham (Mr. J. Chamberlain) has stated with substantial accuracy what occurred the other night. We frankly say that we have not the slightest desire that the ordinary creditor should escape; but our position is this, that in dealing with the clause there are two considerations in the exercise of the equitable jurisdiction of the Court which must not be lost sight of, and the first is the character of the debt incurred. When we look at this section, we find that it deals with rent alone, and lays down this condition, that it must be an unjust and impossible rent, and, if so, there is special justice and equity in preventing the landlord from issuing an execution in respect of that unjust and impossible rent. There is no provision to enable the tenant to work the farm when this debt is satisfied, should he find himself in difficulties, and we think we should now have a complete statement of the policy of the Government with special reference to the conditions on which they propose to act in relation to other debts. We distinctly consider that there are a separate set of considerations involved; and as my hon. Friend the Member for Cork has pointed out, while it is fair to give equitable jurisdiction in respect of a just rent, how is the Court to deal with a case of damages for the non-performance of a contract? A different set of conditions altogether is involved, and it would be no answer to claim established by an action for damages, in an action for breach of promise of marriage, to say—"If you execute judgment the defendant will be deprived of his holding." If he has broken his promise and damages are found against him, it is perfectly fair that in the event of his failing to satisfy the damages he should be deprived of his holding. When, however, we come to the question of rent, the clause provides a special equity, and it is provided in respect of rent alone. In that case certain conditions are laid down which may result in the execution of the judgment. What we want is a clear statement from the Government on that point, and on that point only, and I trust the Government will understand that we have no desire to save the landlord from the equitable jurisdiction of the Court in respect of his debt. There is also another point. The ordinary creditor lends his capital to the debtor, and the result is that in the case of the bankruptcy of the tenant the capital of the creditor is totally destroyed. In dealing with the question of the equitable jurisdiction of the Court the landlord stands in a different position. He gets back his land, and the only question is what interest he shall have for his land, which is his capital, during the period it has been out of his own hands. On the other hand, in a case of bankruptcy the ordinary creditor gets no interest on his capital whatsoever; but the question, so far as the landlord is concerned, is how much interest he is to get. I merely ask the Government to make a statement that will put these matters clear, and I think this is a convenient time for doing so.

Mr. DILLON: May I be allowed to state the reason which induces me to prefer the Amendment of the hon. and learned Member for Inverness to that of the Government? The Amendment of the hon. and learned Member is clear and straightforward, and is not followed by any consequential Amendment. The Government, however, have a consequential Amendment, No. 24, which proposes to insert, after the words "the Court may put a stay upon the execution of the judgment of the Court," these words—

> "In such ejectment, or, in case of an ordinary judgment, may put a stay upon the execution of a writ of *fieri facias* as against the tenant's interest in the holding."

One of the reasons why I object to the Amendment of the Government is that they have disclosed their intention by placing this consequential Amendment on the Paper, whereas the Amendment of the hon. and learned Member applies to the first line of the section, and is not followed by any consequential Amendment. What is the position of the hon. and learned Member for Inverness, and of the Government? In order to understand the position of the Government, we must read Amendment No. 4, in connection with No. 24, whereas the Amendment of the hon. and learned Member for Inverness stands alone. The Government, while pretending to close the back door, only half stop it. They drag into the Amendment the ordinary creditor, and in order to escape from the position of stopping the ordinary creditor they bring in a consequential Amendment, which confines the action of the Amendment, No. 4, to the issue of a writ of *fieri facias.* That is not the intention of the hon. and learned Member for Inverness. The reason why I object to bring in the ordinary creditor is that it will entail upon the Committee the adoption of the Government Amendment, No. 24; because if we consent to Amendment No. 4, we give the Government an unquestionable argument for the passing of Amendment No. 24—an Amendment which I intend to oppose in the strongest way possible. What is the object of staying the execution of a writ of *fieri facias* in the case of an ordinary judgment? What is now done in Ireland? In the case of an ordinary judgment, the issue of a writ of *fieri facias* is not against the interest of the tenant in the holding; but it is held *in terrorem* over the tenant, because the seizure of the stock would obviously deprive the tenant of the means of retaining the holding. He would either have to drive away the stock he has, or it would be seized and sold under the writ of *fieri facias,* and in that way it need not be executed against the holding; but the small remaining stock the tenant has may be sold. What I ask the Government is, whether they really intend to stop the back door or not? If so, they must give the tenant the possession of the holding, in order that he may be able to exist. If you are to provide any means by which he is to retain the holding at all, you must not in mere mockery destroy his means of carrying it on. Why I support so strongly the Amendment of the hon. and learned Member for Inverness is that it means to do what is frank and effectual, whereas the Government propose to do a thing which would be perfectly ineffectual. If the Chief Secretary will stand up and say that the only desire of the Government in the matter is to prevent the interest of the tenant in the holding from being sold by the ordinary creditor I am ready to support them; but if, at the same time, they say they are not going to allow any writ to be executed on the capital the tenant has on the holding, while they are willing to go a long way in staying the ordinary creditor from execution, I am altogether against the doctrine that would put the rent and the ordinary debt of a creditor on the same level. That is altogether impossible. And why? Because the ordinary debt of a creditor is in respect of goods taken and consumed by the tenant; but the whole basis of the present legislation with regard to rent is that it is an unjust rent. I object to the withdrawal of the Amendment of the hon. and learned Member in favour of that of the Government, because it would furnish the Government with a strong argument which they ought not to have. Our object should be, if possible, to put both the ordinary creditor and the landlord on the same footing. I say that it will be grossly unjust to establish a difference, seeing that the whole basis of the Bill is that the landlord's debt is an unjust and excessive debt. Therefore, I ask the Government to tell the Committee whether they really mean to accept the principle contained in the Amendment No. 1, or whether they really mean to take away part of what they propose to give by moving No. 24 as a consequential Amendment?

Mr. O'DOHERTY (Donegal, N.): The hon. Member for East Mayo has very fairly stated to the Committee the difference between an ordinary debt for goods and the case of the debt to the landlord; the only thing that corresponds with the rent is the profit on the goods. It is quite clear that the profit which the landlord makes is the only thing taken from the tenant which he makes out of the farm. If it were now proposed to cut off the landlord's profit from the farm, and to give the tenant the whole of the farm, the analogy between the case of the landlord and the ordinary creditor would be accurate. As far as the trader is concerned, if we were only dealing with the profit which he makes out of the transaction, that would correspond with the profit received by the landlord in the shape of rent and his profit from the farm. Of course, all debts are recoverable in the same way; but the landlord, at this moment, has the power of recovering his rent without taking out any writ of *fieri facias* at all. That means, no doubt, is frequently resorted to, and the debt, when judgment is given in its favour, is to the full amount placed as a mortgage upon the holding, where it may remain against the tenant's interest in the holding for ever. I think that the right hon. Gentleman the Chief Secretary for Ireland should have before him all the remedies which the landlord has in the matter. So far as the bankruptcy of the tenant is concerned, that is a subject which I do not care to mention at all, and I do not think the Committee ought to contemplate proceedings in bankruptcy; but if the landlord chooses to run that risk, let him use the ordinary means of making the tenant a bankrupt.

Mr. A. J. BALFOUR: It appears, from the very short discussion which has just taken place, that we are all agreed that the right of the tenant, if the Court thinks fit, might be protected from all creditors alike. So far I understand that the Committee is agreed; but hon. Members belong the Gangway want to go further than that, and they now say that, after all, they would be doing nothing if they merely prevented the landlord from getting hold of the tenant right, because he can get hold of the stock, which is the only thing on the farm worth having. But so can the ordinary creditor. The ordinary creditor, as the law stands, can deprive the tenant of his stock.

Mr. MAURICE HEALY: That is not so; but, by the ordinary procedure, the landlord can issue a distress for 12 months' rent due.

Mr. A. J. BALFOUR: Hon. Gentlemen below the Gangway will not allow the landlord to pauperize the tenant by selling out his stock; why, then, should we allow every other creditor to pauperize the tenant by doing precisely the same thing? It is the same thing, and the trader would have his ordinary remedy against the stock. The Government altogether protest against the policy of allowing other creditors to pauperize the tenant by doing what the landlord is forbidden to do. We mean in this clause, as in all others, to place the landlord on the same footing as all other traders. I had some hope that we might come to an agreement as to what the actual provisions of this clause should be; but I am afraid that we shall not be able to arrive at an agreement, if hon. Members adhere to the theory they have put forward. I cannot admit that there is anything tainted, *ab initio*, in the debt which the tenant owes to the landlord; and, therefore, it is hardly likely that we can come to an agreement. The property of the tenant must be regarded as security for the debts due to the landlord, just as it is regarded as security for the debts due to the ordinary trader. Hon. Gentlemen opposite appear to think that that policy ought to be reversed, and that the property of the tenant, which has hitherto been held to be security for the payment of rent, should henceforth be a greater security to any other creditor than to the landlord. Everybody to whom the tenant owes anything is to stand before the landlord. The hon. Gentleman the Member for Kilkenny (Mr. Chance) says he thinks it would be extremely hard to deprive a creditor of damages against a tenant for the non-performance of a contract; but what contract can a tenant enter into more solemnly than his engagement to pay his rent to his landlord?

Mr. CHANCE: It must be borne in mind that the one debt is in the nature of interest, whereas the other is in the nature of principle; and already, by their own Commission, the Government have admitted that the rents are too high, and that the debt to the landlord is an unjust debt.

Mr. A. J. BALFOUR: We might have said that the interest is high; but even the shopkeepers in Ireland and the gombeen men are accused of charging too much. We contend that we are not to describe every contract which has not been specially settled by the Court as one which is unjust. The hon. Member says that one is a debt of capital, and the other a debt of interest. For my own part, I see very little difference between depriving a man of his capital and depriving a man of all the interest of that capital to which he is entitled. It would be a mere mockery towards the landlord to say to him—"This is your land; it is your inalienable property; but, at the same time, we will put on it a tenant from whom you shall not take more than a certain interest, and if the tenant does not pay that interest you shall have no means of enforcing your debt." I am sure that a landlord, placed in that position, would feel that his security would not have any very high value in the open market. The Government cannot admit for a moment that there is any distinction to be drawn between debts due to the landlord and the debts due to the shopkeeper, if that distinction is to be accompanied by a provision that one is to be regarded as a just debt and the other as an unjust debt. I do not ask hon. Members to agree altogether in the general view I have expressed on that point; but I hope they will agree that the means we propose to take to secure the interests of the landlord, as well as those of the tenant and the ordinary creditor, are perfectly legitimate and fair.

MR. MARUM (Kilkenny, N.): At the proper time I intend to move an Amendment to the Amendment of the Chief Secretary for Ireland, the object of which is to except cases of tort. There are frequently actions for slander, for *crim. con.*, and so on, and I do not see why the tenant right of the tenant should be protected from the consequences of actions of that kind. I may remind the Chief Secretary for Ireland that in the observations which were made by the hon. Member for Cork (Mr. Maurice Healy) and my hon. Colleague (Mr. Chance) a distinction was drawn between actions for breach of contract—such as breach of promise of marriage—and ordinary debts. As I said, I intend to move an Amendment at the proper time to the Amendment which the Chief Secretary for Ireland intends to propose in order to bring out that point.

MR. MAURICE HEALY: I must apologize for taking up the time of the Committee again; but I only do so on account of the allusion of the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain) to the action of my hon. and learned Friend the Member for North Longford. What my hon. and learned Friend said and did was perfectly clear. What he did was to endeavour to conform the present clause with an Amendment inserted in the Land Act of 1881, but subsequently struck out in "another place." That Amendment was to the effect that a period of six months after the passing of the Land Act should be allowed before the tenant right of the tenant could be disposed of, in order that the tenant might be afforded breathing time. The object was to provide, after the Land Act came into operation, means to prevent the landlord from selling out at once and for ever the rights of the tenant. I cannot see why the Irish Members are not to be allowed even to discuss, and to discuss in an impartial and judicial spirit, the means by which this enormous change in the Land Act is about to be carried out, without drawing upon themselves the sneers of the right hon. Gentleman the Member for West Birmingham.

MR. JOSEPH CHAMBERLAIN: I beg the hon. Member's pardon; I did not sneer at the Members for Ireland.

MR. MAURICE HEALY: I am perfectly aware that the right hon. Gentleman did not use words to that effect; but he certainly conveyed the idea. He made a bitter complaint that the Irish Members should have got up to discuss the Amendment of the Government. I am bound, however, to accept his denial.

MR. JOSEPH CHAMBERLAIN: May I be allowed to explain what I did say? I said it was very hard on the Government, who had accepted the principle of the Amendments proposed by hon. Members below the Gangway, to be compelled to adopt any other drafting than their own.

MR. MAURICE HEALY: That is a very similar point to the one which I was referring to. The substantial complaint of the right hon. Gentleman is that we have continued this controversy on a mere question of drafting; but I may inform him that, in our view, there is a good deal behind in that question of drafting. We are of opinion that the Committee ought to deal with the ordinary creditor in the same way as they deal with the landlord, and that it is unjust, and will be inequitable, unless the two are dealt with on precisely the same lines. Therefore, there is an important point behind this discussion, and it is not fair to allow it to drop out of sight altogether. The right hon. Gentleman the Chief Secretary has raised a very important question. He says that all that has been agreed upon in this matter is that the back door shall be shut *qua* the tenancy of the holding. We think it would be dishonest to shut the door in such a manner as not to shut it to the landlord, but to leave him the right, in any shape or form, of enforcing his rent in full. If that is to be done, I can only say that we are engaged in a mere mockery and sham, because it is idle to say that if you leave to the landlord a preferential means by which he can get an unjust rent out of his tenant, that you are granting any concession to the tenant at all. The principle which underlies this matter is the manner in which ejectments for rent can be brought about. If the landlord is to have his rent before any other creditor is satisfied, it is idle to say he shall not get it in a particular way. Nevertheless, that is what is being done. You are simply taking away the landlord's power to sell out the tenant's interest in the holding. The tenant has the farm and the stock upon it. Without the stock and the crop it is perfectly absurd to say that the tenant can go on paying the rent; consequently, if you leave the landlord in a position to seize the stock and crop, and to prevent the tenant from working the farm, it is ridiculous to maintain that you are cutting down the landlord's power of enforcing an unjust rent.

Sir GEORGE CAMPBELL: I certainly think that it is a fraud to pretend to protect a man's tenant right without you protect the implements by which the holding is worked. If the tenant is unable to pay his rent, it is only proper, if the holding is reserved, to reserve such property upon it as may be necessary for working it. It is a perfect farce on our part to pretend to protect the holding without we protect the stock and implements upon it. I think that the landlord and the gombeen man should be placed on the same footing. If that is not done, I am afraid we shall reduce this clause to a nullity, and make it altogether ineffectual to preserve the tenant right of the tenant. Amendment 24, which is subsequently to be moved by the Government, proposes to provide that in the case of an ordinary judgment the Court may put a stay upon the execution by a writ of *fieri facias* against the tenant's interest in the holding. I think that will make the whole clause quite ineffectual in its operation.

Mr. CHANCE: When I addressed the Committee a short time ago I put a question to the Government, and pointed out that the clause lays down special conditions under which equitable jurisdiction is to be given to the Court. While I perfectly admit that it is right and proper to give the Court an equitable jurisdiction to interfere with certain cases of hardship inflicted upon the tenant, I maintain that the conditions on which the debts of the tenant are to be dealt with must be other conditions than those stated in the clause, because the conditions stated in the clause are obviously applicable only to the case of rent. I ask the Chief Secretary for Ireland to state what the conditions are under which the Government think the Court ought to be called upon to exercise equitable jurisdiction. The right hon. Gentleman fell into an error when he said that the tenant would be able to sell his interest in the holding.

Mr. A. J. BALFOUR: No; I did not say that.

Mr. CHANCE: The new tenant would take the tenant right of the old tenant, subject to all the arrears of rent; and the new tenant, in 99 cases out of 100, would be better able to discharge the arrears of rent than the old tenant. Therefore, if you enable the ordinary creditor to execute a writ against the tenant right, you do not interfere with the landlord in the slightest degree, because the new tenant is liable for the existing debts. Therefore, I hope that the Chief Secretary will shadow forth the conditions on which the equitable jurisdiction is to be applied.

Mr. FINLAY: I desire to say a few words by way of explanation of the position I have taken up in regard to this Amendment. I certainly should not have put down the Amendment if I had thought its effect would be, as has been suggested, to leave the landlord helpless in regard to the tenant right, while the effects of the tenant are swept off by other creditors. But I do not understand that if the Amendment is passed into law as it now stands it would have that effect. The Attorney General for Ireland will correct me if I am wrong; but I understand that upon execution being issued by any other creditor against the tenant right, the landlord, under the Act of 1881, would have a charge upon that tenant right with respect of what is due to him upon the holding, and all arrears would be secured to the landlord as far as the tenant-right is concerned. And where an execution is issued against the goods of a tenant, there also the landlord is secured, although not quite to the same extent. I believe there is in force in Ireland a Statute passed in the reign of Queen Anne, similar in its terms to the English Statute, by which—when the goods of a tenant are taken in execution before they can be sold—a year's arrears of rent must be paid to the landlord, if necessary; so that the landlord, as far as the tenant right is concerned, is fully secured, and, as far as the stock is concerned, he is secured to the extent of one year's rent. [An hon. MEMBER: To the extent of the rent due.] If there are no arrears there is nothing due. Under these circumstances, the effect of my Amendment, if it becomes law, would not be to put the landlord into the helpless position which some hon. Members appear to suppose would be the case. There is another point of view also, and that is the point of view of the tenant. I do not know what effect it may have upon the credit of the tenant if this provision is made of universal application. I apprehend that it might have a very serious effect upon the rate of interest at which the tenant would be able to get money advanced, and that it might also affect his credit with tradesmen in the neighbourhood. I throw out these suggestions for the consideration of the Government. I merely say that it is the personal view from which I regard the matter in reference to the Amendment. I was not present when an understanding was arrived at the other evening; but I am not desirous of doing anything to prevent that understanding from being carried out. I am, however, in the hands of the Committee, and I am prepared to take whatever course may be considered to be most advantageous. I have stated my own views, and I will now respectfully commend the Amendment to the consideration of the Committee; but, if the Committee prefer it, I am ready to withdraw the Amendment, in order that the matter may be discussed upon the Amendment of the Chief Secretary for Ireland.

MR. DILLON: There are two or three matters which deserve attention. In the first place, let me assure the Government of the very strong objection I entertain to this change on their part. I regard it as of an illusory character, and a change which it is absolutely unnecessary to make. It is altogether unnecessary to protect the interest of the tenant from the seizure of his crops by creditors other than the landlord. Such a thing is unheard of; and the case founded upon the necessity for such protection is a bogus one. There is no necessity to protect the tenant in this respect at all; and the landlord, as the hon. and learned Member for Inverness (Mr. Finlay) has pointed out, is perfectly safe, unless the creditor does what he has never done hitherto. The Amendment of the Government will only confuse the issue, and afford them an argument hereafter for refusing that protection to the tenant which I maintain to be absolutely essential. The simple and straighforward course to take in the matter would be to adopt the Amendment of the hon. and learned Member for Inverness, which covers the whole ground without involving any principle of Provisoes. I want to make this point quite clear to the Committee. This protection, as I have already pointed out, is not at all necessary as regards the tenant's interest against the ordinary creditor; but if you want to protect him against the landlord you need a further protection than that which is given here. The Chief Secretary for Ireland, in his speech, was exceedingly uncandid. He drew an affecting picture of the situation to which the Irish landlords will be reduced if the Committee pass the Amendment of the hon. and learned Member for Inverness. Now, the basis of the clause is the equitable jurisdiction of the Court, and it must be recollected that unless the Court decides that the rent is an unjust rent there is to be no remedy whatever, and the landlord will get the whole. The clause will take no effect in Ireland, except in a case where a Court of equitable jurisdiction decides that the rent is unjust. If the tenant has been an industrious man, has worked his holding properly, and has only been called upon to pay a fair rent, he will be able to meet the demands of his landlord. I am perfectly willing to put in a Proviso that unless the Court is of opinion that the rent has been unjust the clause shall lie dormant. We do not ask for protection against misfortune, but against injustice. It is upon that we take our stand; and we will accept the position that the clause shall be a dead letter, and not come into operation at all unless a Court of Equitable Jurisdiction is satisfied that the debt is unjust. After that statement, I would ask the Chief Secretary for Ireland what right he has to say that the clause, as amended, would stop the payment of rent in Ireland? It would do nothing of the kind. It would not deprive the landlord of 1*s.* of rent to which he has an equitable right; but it would prevent him from enforcing unjust and unreasonable demands upon his tenants. Where he has acted unjustly and unfairly the clause would step in, and the Court would say that he must take a fair rent. What does this clause do? Does it prevent the landlord from obtaining a fair rent? Nothing of the sort; it provides that he shall take his rent in fair and equitable instalments if the tenant does not pay down upon the nail. Therefore, there is not one shred of foundation for the statement of the Chief Secretary for Ireland, and I maintain that the Government are entirely wrong in the course they propose to take in reference to the Amendment of the hon. and learned Member.

Mr. KENNEDY (Sligo, S.): I may point out that in regard to the rent, not only can the landlord put in a distress, but if the tenant fails to pay the rent he has the power, at any time, of making him a bankrupt. I take it that the object of the hon. and learned Member for Inverness is to protect the rights of the ordinary creditor, as well as those of the landlord. Now, there are a great number of traders in the North of Ireland who get cargoes of seed and supply the tenants in the month of November, waiting for repayment until six months afterwards. I think the Government will commit a great mistake if they endeavour to enforce this clause as it is proposed to be amended, because, if they stop the tenants from obtaining credit, the landlords will probably get no rent at all. At present the ordinary traders are in the habit of helping the tenants to tide over their difficulties, and in many cases they advance money to enable the rent to be paid. If this clause is insisted upon, I think the effect of it will be entirely to destroy the credit of the tenants of Ireland.

Question put.

The Committee *divided*:—Ayes 141; Noes 169: Majority 28.—(Div. List, No. 338.)

Mr. A. J. BALFOUR: In moving the Amendment which stands in my name, as No. 4 on the Paper, I do not think it necessary to say anything further beyond what I have said already.

Amendment proposed, in page 14, line 41, after "rent," insert "or in any action for debt or damages by any person against the tenant in such holding."—(*Mr. A. J. Balfour.*)

Question proposed, "That those words be there inserted."

Mr. DILLON: I must renew my protest against the doctrine that the landlord is put by this clause on the same level as the trader. What is the alleged justification for the clause? The object of the clause is to give relief to tenants who have been subjected to excessive rents. The clause only comes into effect where the tenant is unable to pay the rent; and, as this is only another way of putting the statement that the rent is unfair, I think it is monstrous to place debts due to traders on all fours with debts due to the landlords. If we look at the Amendment of the Government, and recollect the character of the discussion which has taken place within the last few days, I think it will be found that a considerable number of the Amendments have been put down on the Paper by Liberal Unionists. The fact, however, that two Liberal Unionists may be appointed to tell in favour of an Amendment, appears to have no effect in inducing the Liberal Unionists, as a body, to support the Members of their own Party. I see there are several Amendments on the Paper in the name of Liberal Unionists; and they propose that it should be open to the Court, not only to give time for the payment of the debt, but also to reduce the amount. Is it now going to be contended by the Government that in the view of the rent being unjust there should not be such power given to the Court? Is it going to be contended that the Court is to have power, not only to reduce the amount of the rent but to reduce the debts freely contracted, which are owing to every trader in Ireland? That is a proposal which I doubt very much the Government will be prepared to maintain; and, therefore, I say that we are doing a most dangerous and most fatal thing in putting the debt of the trader on all-fours with the debt of the landlord. The Government have certainly adopted a most treacherous and dangerous proceeding in getting these two separate obligations placed on all-fours at the outset of the discussion. Further on, when we come to consider the Amendments which will be absolutely essential in order to prevent the clause from being illusory, the Government will be prepared to stand up and ask us if we propose that the Court of Equitable Jurisdiction is to reduce debts of every character in Ireland, whether contracted for goods supplied or for money lent by the Irish banks. I suppose that this Amendment will be adopted; but I could not allow this stage of the proceedings to pass by without saying a word with regard to it. I think it is nothing short of a *fiasco* that the Committee should have been induced by the Government to affirm this principle at the outset—a principle which tends very much to minimize the value of the concession which the Government have it in their minds to make.

Mr. MARUM: I have an Amendment to propose to this Amendment, the object of which is to except the tenant right of the holding from any execution in connection with an action for breach of promise, *crim. con.*, slander, &c., which comes under the head of actions in tort. I propose to add to the Amendment the words "save in tort." The Attorney General for Ireland is aware of the nature of those actions, and will know perfectly well what the Amendment means technically. I think it is a perfectly reasonable thing to provide that in actions of that nature that distress should be protected.

Amendment proposed to the said proposed Amendment, after "action," to insert the words "save in tort."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Gibson) (Liverpool, Walton): I think it is only necessary to give the hon. Member an illustration in order to show the impossibility of accepting his Amendment. The hon. Member will be aware that one of the most common actions brought by the landlord against the tenant is an action for waste, which is really an action for a breach of obligations entered into on the part of the tenant. At present the tenant right of the tenant is liable to actions for waste. The hon. Member proposes that actions in tort shall be excepted, but that the landlord may sue on the contract, which involves precisely the same result. The hon. Member, therefore, proposes that tort actions shall be saved, but that the remedy proposed for the landlord in another action shall not be interfered with. Suppose one tenant sues another for obstruction, for stopping up a watercourse, or for obstructing his right of way. In that case is the tenant not to be protected, although he is to be protected against the gombeen man? I have known numerous cases in which actions of that character for obstruction have been brought and in which damages have been recovered; and I think there ought to be the same stay in the execution of writs, so far as the sale of the holding is concerned, as will be given under this clause in other cases. I would, therefore, suggest that the hon. Member should not press the Amendment, which would act against the interest of the tenants themselves.

Mr. MARUM: I think the Attorney General for Ireland has not appreciated the view I took. My object in framing the Amendment was to cut down the limit of protection against ordinary creditors. Under the circumstances, however, I have no objection to withdraw the Amendment.

Mr. MOLLOY (King's Co., Birr): My contention is—and I think I am not misled—that the effect of the clause will be to drive the tenant farmers into the hands of the gombeen men. So far as the small farmers are concerned, there is scarcely a man among them who is able to get on without money borrowed from the banks. Nearly all the tenants have to borrow money from the banks every year; and what position will the banks be in if this clause is passed? They will have no security whatever, or only partial security, for the money they advance. This will not be a case of ordinary bankruptcy here and there, but a kind of general bankruptcy throughout the country; and, I repeat, what would be the position of the banks? Is there any bank in the country, with this new law staring them in the face, which will lend money to the tenant? I would ask anybody who knows anything of the condition of the banks in the agricultural districts to say if it would be possible for the managers of these banks to discount the paper of the farmers if Parliament takes away the protection they now have? What, also, is to become of the Seeds Bill and the Manure Bill? Advances of this nature are made to much larger extent in Ireland than in England, and the tradesmen give six months for the payment of the bills. But in the face of a clause like this, will the traders be likely to make advances at all; and if they do, will they not be compelled to demand much larger prices and much more difficult terms? By this change you are taking away that which is the capital of the farmer; you are taking away the whole of his credit as regards the traders, and he will neither be able to borrow from the banks nor to get his seeds except at extortionate prices. You speak of the gombeen man; but what are you going to do? If you take away the credit of the farmers you will drive them absolutely into the hands of the gombeen man. I know very well how the trade of the farmer is carried on in Ireland; how he has to borrow money from the banks; and how two or three have to combine together to back up each other's bills. Instead of saving these men from the gombeen men, you are now taking the strongest measure you can to drive the whole of the tenant farmers of Ireland into the hands of the gombeen man, instead of leaving them, as at present, to deal with the banks and the traders. That is the simple effect of the clause as it stands. Let it be clearly understood that when further trouble comes we have warned the Government, and told them that so far from saving the tenant farmers from the gombeen man they are making bankrupts of them, and driving them into the hands of the worst enemies of the Irish farmer.

Mr. MAURICE HEALY: In my opinion the clause will destroy a principle which has hitherto regulated the commercial life of Ireland, and it is impossible that we can assent to it. I have only risen now for the purpose of asking whether the Government will do anything to protect the tenant against the landlord's right of distress? I ask the question because I consider it of the utmost importance to put a limit on that right. As a matter of fact, proceedings by way of distress, until the present year, had become, practically, extinct; but during the past 12 months it has existed. I myself have had brought under my notice some cases which occurred in the County of Kerry, in which the landlords revived this obsolete remedy of distress. If the remedy by distress is allowed to remain intact, I am afraid that the landlords will use it simply for the purpose of evading the Act. I would, therefore, urge upon the Government that they are still leaving in existence a very grave danger to the very life of the tenants, and I think that all parties who have given any consideration to the matter will be agreed that this right of distress should be abolished, both in England and Ireland. It is simply a relic of a state of barbarism, and should be got rid of as soon as possible. The whole spirit of modern legislation has been directly in the teeth of this revival of barbarism, and I trust that the Government will consent to pass a necessary complement to this clause by putting an end to the right. In so doing they would confer a great benefit, not only upon England, but upon Ireland.

Mr. PARNELL (Cork): There are two questions involved in this Amendment, both of which are of great importance. First the stay of proceedings in ejectment, and especially the question of arrears. The question of the stay of proceedings in ejectment in respect of writs of *fieri facias* is one on which the Committee is practically agreed. But the question of arrears, if it is in the mind of the Government to extend the operation of the clause so as to give the Judge of the Court power to reduce the amount without the consent of the parties suing, is one which has weighed on the minds of my hon. Friends. On this point some of them doubt, in the first place, whether the Government are willing to deal with the question of arrears at all, in view of the effect which the Amendment of the right hon. Gentleman will have; and, secondly, they doubt if the Government are willing to deal with the question whether it would be right that such a method of dealing with arrears of rent should be extended to the case of ordinary debts as well—that is to say, whether the power given to the Court to reduce the arrears should extend to the case of ordinary debt, as well as to the debts for rent. Now, Sir, it appears to me that if it is in the mind of the Government to deal with the question of arrears, it would be desirable to put a limit of time on the operation of the clause, which would have the effect of giving the Court compulsory power to deal with arrears of rent and with shopkeepers' debts. It might be limited to three years. If it is not, however, within the contemplation of the Government to deal with the question, the situation will not only be a very serious one, but one in regard to which the disturbing features in Ireland will be left unsettled. The Government may suppose that it is too large a step to take to deal with the arrears of rent and shopkeepers' debts at the same time; but, in order to show how important I consider the question of arrears of rent, I will go so far as to say that if the Government will deal with the question of arrears, I and my hon. Friends on one side will not be unwilling to allow the same powers to extend to shopkeepers' debts, with the limitation, say, to a period of three years. We have viewed with alarm the fact that none of the Amendments of the Government deal with the question, and we are willing to go a long way with them, if they will afford some kind of relief in the matter. I would suggest that some compromise might be effected, and that the Government might bring up a new clause at a later stage of the Bill. I do not see how it is possible for us, or for any of the parties concerned, to look for anything like satisfaction in the future if the question of arrears is not dealt with either in this clause or subsequently. The clause, as it stands, is intended to be a permanent one, and it will have the effect for all time of settling the question of a stay of proceedings and the power of payment by instalments. I would suggest that we should divide the subject-matter into two parts—that we should allow the clause to be permanent as to the staying of proceedings and the question of instalments; but as to the question of the reduction of the amount of the arrears, let it be for a term of three years, and let such a Proviso be inserted at the end of the clause.

MR. A. J. BALFOUR: Although the suggestion which the hon. Member has made is not strictly relevant to the Amendment before the Committee, perhaps, at the same time, it may not be inconvenient that we should now deal with it. As I understood the hon. Member, he thinks the Bill would be unsatisfactory and incomplete unless it contains some method of dealing with the arrears of rent. The hon. Member is prepared to accept the principle which the Government have uniformly laid down—that if we deal with the debt due to the landlord we must have a similar and parallel provisions in regard to the debts due to the other creditors, and he has suggested that there should be some provision in the Bill by which debts due both to landlords and to other creditors should be capable of liquidation or diminution for a space of three years. That I understand to be the suggestion of the hon. Member.

MR. PARNELL: Will the right hon. Gentleman allow me to interrupt him? The Bill will apply to the present arrears.

MR. A. J. BALFOUR: Yes; present arrears only. Now, the Government have always felt that the amount of debts hanging round the neck of the tenants is undoubtedly a very serious difficulty in connection with that problem. And it is because they have entertained that belief that they introduced the Bankruptcy Clauses, which has been the subject of so much animadversion from almost every quarter of the House. The hon. Member now proposes that we should practically introduce temporary Bankruptcy Clauses. The hon. Member does not desire that the word "bankruptcy" should be used; but it is no misdescription of his proposal to say that it is something substantially identical with temporary Bankruptcy Clauses.

MR. PARNELL: Not bankruptcy.

MR. A. J. BALFOUR: It is practically equivalent to bankruptcy. The mere fact that the Bill is on the Table of the House in its present shape shows that we do not differ vitally from the hon. Member. But the hon. Member has expressed in very clear language his dislike of Bankruptcy Clauses, and I cannot see how we can remodel those clauses omitting the word "bankruptcy" without introducing others quite as long and as elaborate and very similar to those which we have already laid on the Table. For myself, I have given a great deal of thought to the subject, and if I could see my way to do what the hon. Member wishes—namely, to introduce a cheap bankruptcy procedure—call it bankruptcy or what you like—which should apply to the existing debts of tenants, whether due to tradesmen or to landlords, I should be happy to do so. But, so far, the ingenuity of the gentleman on whom I chiefly rely for the drafting these matters has failed to suggest any method by which that object can be carried out in a cheaper and simpler method than that which we have put on the Paper. The Government do no adhere to the word "bankruptcy;" they have no pride of paternity as to any of these clauses; and if the combined ingenuity of the hon. Gentleman can suggest a method by which our view, which is identical with that of the hon. Member, can be carried out in a simpler and better manner, we should be very glad. We desire to meet the hon. Gentleman as far as we possibly can, and I hope that some satisfactory result may be arrived at.

Amendment to the Amendment, by leave, *withdrawn.*

Original Question again proposed.

Mr. O'DOHERTY: There is an Amendment lower down on the Paper in my name which suggests a procedure adopted from the Arrears Act. It contemplates only the present debt; it contemplates no costs whatever, and it further contemplates simply the action of the Court.

Mr. A. J. BALFOUR: What is the number of the Amendment?

Mr. O'DOHERTY: No. 55, on page 29, and it says—

"The filing of an affidavit by the tenant in the Court in which the proceedings originated, in the prescribed form, at any time before execution executed in any such proceedings, shall operate as a stay of proceedings and of execution. The tenant shall also file in Court and serve on the landlord in the prescribed manner a copy of the terms in which he seeks relief. The landlord, if he refuses the offer, shall so declare in the prescribed manner, and state the grounds of such refusal in a particular manner having regard to the affidavit and offer of the tenant; and thereupon the Court in which the proceedings brought or are pending shall send in the prescribed manner a copy of the file of proceedings for report thereon to the Court of the Land Commission, and the case shall be heard and determined as fair rent applications are heard, and shall have priority of hearing, but with power to the Court to examine witnesses on oath on the holding, and the report of the sub-commissioner to whom the case is referred shall be forthwith filed in the Court wherein the proceedings were brought, and thereupon the Court, after hearing the parties if they appear, shall make such orders as aforesaid. If the landlord accepts the offer of the tenant, he shall so declare in the prescribed manner, and the Court, on failure on the part of the tenant to carry out the terms of his offer, may remove the stay, or make such order as to the Court shall seem right."

My experience of the working of the Arrears Act is that it throws no cost upon the tenant. The schoolmaster of the neighbourhood or the tenants can fill up the documents with the particulars required by the Arrears Act; they are then posted to the Land Commission, placed on a file, the Commissioner sends notice to the landlord, and the whole thing is over at once. I contemplate in my Amendment the avoidance of any expensive application to the Court which, if made in a Superior Court, would involve the employment of counsel, or, in any other Court, a solicitor. In the case of a proceeding at Sessions the interval between the time of the notice and the granting of the decree is so small, that it is impossible for the tenant to avail himself of it unless some such form of proceeding as I propose to prescribe is adopted, setting forth certain matters upon which the Court ought to be informed. A copy of the information would then be given to the landlord, who would be required to answer it, and say whether he admits the amount or not. The whole thing then goes before the Commissioner, who would hear the disputed particulars and would make a decree. His recommendation would cover all matters, whether in dispute or not, and there would be ample protection that justice would be done to all parties. By that process not only is bankruptcy avoided, but the necessity for making expensive and unsatisfactory Motions, together with long affidavits on the one side and equally long affidavits on the other.

Mr. DILLON: I would like the Government to tell the Committee what their consequential Amendment is.

Mr. GIBSON: If the Court think it desirable and convenient to stay execution *fieri facias* against the holding, it would not be clogged by any special conditions as to instalments. In my opinion, the proposal of the Government is more beneficial to the tenant than the one suggested by the hon. Member. The action is not stayed in any way against the general assets. The stay in the case of a debt for rent and a debt for money lent would be identical, and the Court would make such provisions as it might deem necessary to remove the stay upon application made to it.

Mr. DILLON: The Government stated, on bringing up the clause, that it was to place the ordinary tenant on the same footing as the landlord.

Mr. GIBSON: And so it does. The landlord recovers his rent whether there is a stay of execution or not, and the judgment of the Court is not affected as to the general assets. As far as regards the holding, the stay will operate against the general creditor. Let me, by way of illustration, take the case of the gombeen man. It is a stay not of the judgment generally, but of the judgment so far only as it relates to the writ of *fieri facias* which might otherwise be executed against the holding.

Mr. DILLON: What I want to find out is, whether the stay is dependent upon the carrying out by the tenant of the provision for instalments?

Mr. GIBSON: It is difficult for hon. Members to understand these questions, which are of a highly technical nature, dealing only with matters of law. The provision as to instalments affects only ejectments for non-payment of rent, and the judgment of the Court for the recovery of possession of the holding may be stayed as a whole. A judgment in regard to non-payment of rent can only affect the land. It would be absurd to enact that the recovery of a judgment should only be recoverable by instalments when it affects the whole of the assets. When the action is for debt, whether it is for rent, for costs, or for the gombeen man's money, the power is the same, and is enforced in the same way.

Mr. MAURICE HEALY: As I understand the right hon. and learned Gentleman, the Government propose that the power directing that the debt shall be paid by instalments is only to apply where there is an ejectment for non-payment of rent. A stay may be put in all cases upon the execution of the judgment of the Court, and it will then be for the Court to order whether or not the arrears of rent and costs are to be paid by instalments. That being so, is not the proposal to make the arrears of rent and costs payable by instalments fenced round by a proviso that the Court may or may not do so as it thinks fit?

Mr. GIBSON: The question now raised is proposed by the Government to be settled by Amendment No. 24, which provides that—

> "The Court may put a stay upon the execution of the judgment of the Court in such ejectment, or, in case of an ordinary judgment, may put a stay upon the execution of a writ of *fieri facias* as against the tenant's interest in the holding."

I do not think there will be any advantage in discussing the matter until that Amendment is reached.

Question put, and *agreed to.*

Mr. CHANCE: I beg now to move, in page 15, line 1, to leave out the words "are pending," in order to substitute the word "originated." The clause, as it stands, applies to—

> "Any proceedings for the recovery of a holding to which this section applies, for non-payment of rent, or in any action for debt or damages by any person against the tenant of such holding, if the Court in which the proceedings are pending is satisfied by the evidence before it, &c."

My Amendment will make the section apply to the Court in which the proceedings "originated." My object is simply this—that as the Amendment of the Chief Secretary, No. 57, will make the clause retrospective, it is undesirable to retain words which are only prospective, and could by no means be made retrospective.

Amendment proposed, in page 15, line 1, to leave out "are pending," and insert "originated."—(*Mr. Chance.*)

Question proposed, "That the words 'are pending' stand part of the Clause."

Mr. GIBSON: The Government are unable to accept the Amendment of the hon. Gentleman.

Mr. CHANCE: It is not an Amendment of much importance except from a draftsman's point of view, and as any language seems to be good enough for an Act of Parliament I will not press it.

Amendment, by leave, *withdrawn.*

Mr. JOHN MORLEY (Newcastle-on-Tyne): My Amendment is the same as that of my hon. Friend the Member for Londonderry (Mr. Justin M'Carthy). I propose, in page 15, line 1, to leave out the words "satisfied by the evidence before it," in order to insert "of opinion," my object being to provide that the Court may, in proceedings for recovery of a holding, stay the action, if it is "of opinion" from the facts, whether given in evidence or not, that the tenant is unable to make immediate payment. I think that would save expense, and enable the Court to take into consideration the general condition of a district, and I move the Amendment in preference to No. 9, which is in the name of my hon. Friend. The clause will then run in the form in which it stood when the Bill was in "another place."

Amendment proposed, in page 15, line 1, to leave out the words "satisfied by the evidence before it," and insert "of opinion."—(*Mr. John Morley.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. A. J. BALFOUR: I think that evidence as to the general state of a district may easily be brought within the cognizance of the Court. I do not see how a Superior Court is to decide an appeal unless it knows the grounds on which the appeal is founded. I do not think the kind of evidence which will be brought before the Court would be in the slightest degree disputed.

Mr. MAURICE HEALY: I challenge hon. and learned Gentlemen opposite to say whether it is not the fact that the words proposed by the right hon. Member for Newcastle (Mr. John Morley) are not the words commonly and ordinarily used in an Act of Parliament. Take the Land Act or the Arrears Act, and it will be found that the phrase "of opinion" is used dozens of times, and that the words "satisfied by the evidence" are only a clumsy interpretation of that phrase, and are words that are never employed. I will not say that they have no meaning; but, at any rate, it is a phrase which it is not usual to introduce into an Act of Parliament. I would ask the Government to give a reason why they use them now. It is evidently a matter to which they attach some importance, because originally the words were not used by their own draftsman.

Mr. R. T. REID (Dumfries, &c.): I hope that even if it is only to save expense the Government will accept this Amendment. I think the hon. Gentleman the Member for Cork (Mr. Parnell) is quite correct. I do not think it is usual to find them; but I do not say that the words "if the Court is satisfied by the evidence before it" are never found in Acts of Parliament. There are often matters so commonly proved before the Court, or so well known, that the Court will say—"You need not take the trouble of proving them."

The ATTORNEY GENERAL for IRELAND (Mr. Gibson) (Liverpool, Walton): What is contemplated by the Government is this—that when an application goes before the Court, the County Court Judge should proceed on matters which are there before him, and which can be discussed by the parties. It would be a serious matter if a County Court Judge were to say—"From the matters which are within my knowledge I declare that this reduction should be made." There may be no statement before him, and the parties may dispute the accuracy of the views of the County Court Judge; and, therefore, it is only proper that matters should be proved before him. This is a matter not only of moment to the landlord, but to the tenant also, for the County Court Judge might say—"I am satisfied that a 5 per cent reduction is ample;" or he might say—"I think the reduction should be 25 per cent." Unquestionably this is a matter which must be heard in Court. The hon. Gentleman will observe that the County Court Judge is to be satisfied that the inability to pay the rent is not caused by the fault of the tenant. I cannot help thinking that the difficulty which has been raised is rather of an ideal character.

Sir HENRY JAMES (Bury, Lancashire): I should like to suggest a course which would probably save much time to the Committee. I should think that my right hon. Friend's object would be gained if he were to omit the words "by the evidence before it."

Mr. A. J. BALFOUR: I agree to that.

Mr. JOHN MORLEY: I shall be perfectly willing to accept the suggestion of my right hon. and learned Friend.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 15, line 1, to leave out the words "by the evidence before it."—(*Mr. John Morley.*)

Question, "That the words 'by the evidence before it' stand part of the Clause," put, and *negatived.*

Mr. O'DOHERTY (Donegal, N.): The Amendment I now propose has really been discussed on various occasions before. It deals with the case of seizing the necessary material for carrying on the operations of the farms, and it assumes that the Court will exercise some discretion in fixing the amount of the arrears.

The CHAIRMAN: Order, order! Which Amendment is the hon. Member speaking to?

Mr. O'DOHERTY: No. 12.

The CHAIRMAN: I called the hon. Member in respect of No. 10.

Mr. O'DOHERTY: Then I will propose Amendment No. 12, simply for the purpose of seeing whether the Government can agree upon what shall be the procedure under which the Court is to be satisfied. I must say I contemplate with horror what the right hon. and learned Gentleman says—namely, that the tenants are to come into Court, and that the whole time of the Session is to be occupied upon these matters which should be transacted in the office in conformity with Schedules, as in the Arrears Act. If it is necessary in the case of solvent tenants, it surely is more necessary in the case of insolvent tenants. The solvent tenant is able to pay his rent, and, presumably, able to employ legal assistance. You are proposing to compel a man who is insolvent to employ a solicitor, and to use machinery which is of a most expensive character. No solicitor will act without his ordinary fees, which in the case of the poor are almost prohibitive. Undoubtedly, in the interest of the poorer tenants, the machinery which you should adopt should be something like what I suggest. A valuer would be of no use, because, although he may be able to tell the value of the farm, he has no power to measure the position of a man's stock, and the position he occupies in respect to the crops. I think that such an Amendment as that I now propose is one worthy of consideration at the hands of the Government.

Amendment proposed, in page 15, line 2, after the word "it," to insert the words "by the report of the Sub-Commissioners as hereinafter provided."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

Mr. GIBSON: I hardly think it is proper that this matter should be left to the Land Commissioners. In my opinion, the best way for the tenant in Ireland to get a reduction is to come into Court without a solicitor and say he is too poor to employ one. [An hon. Member: How is he to go to Dublin?] The Amendment is one which the Government really cannot accept, and I do not think the hon. Member is really disposed to press it.

Mr. O'DOHERTY: It is quite certain that the tenant is not a match for the agent, much less for the agent and landlord joined. The landlord and agent will be in Court to prove the debt against the tenant, who, it is quite possible, is not even able to speak English. It is ridiculous to suppose that a man in the position of an Irish tenant can go into Court and argue satisfactorily the question of the fall of prices. Unless some such Amendment as I suggest is adopted you will certainly deliver the man into the hands of his enemies.

Amendment, by leave, *withdrawn.*

Mr. R. T. REID (Dumfries, &c.): I beg to propose to insert, after the word "that," in line 2, page 15—

> "The rent in respect of which such proceedings are brought, or any portion of it, is in fact an unfair rent, or that."

As this is linked, so to speak, with other Amendments further down, it is as well that I should read the clause as it will stand if my Amendments, of which this is the first, are agreed to, a consummation which, I believe, is not impossible. The clause will read—

> "In any proceedings for the recovery of a holding to which this section applies for non-payment of rent;"

and then the words of the right hon.

Gentleman the Chief Secretary have to be inserted—

> "or in any action for debt or damages by any person against the tenant of such holding, if the Court in which the proceedings are pending is satisfied that the rent in respect of which such proceedings are brought, or any portion of it, is in fact an unfair rent, or that the tenant of the holding is unable to satisfy by an immediate payment in full the landlord's claim for arrears of rent for which the proceedings are brought, and for costs, and that such inability does not arise from his own conduct, act, or default, the Court may or shall"

do what is described. I pause there, because the point of the clause on which we are now is upon what condition or conditions shall the equitable jurisdiction of the Court arise. Now, the clause has been altered so as to enable the equitable jurisdiction to be used in the case of tenants unable to pay their debts; but I do not wish to deal with that subject now. I wish to treat this clause as if it related only to questions as between landlord and tenant, which, for the purpose of this Amendment, I may well do. The clause, as between landlord and tenant, proposes to confer relief of a certain kind upon the tenant in one contingency alone, and that is that the tenant shall be unable to pay any rent at all. The clause as it stands is really in the nature of an eleemosynary clause; it is a relief clause, a clause to give the tenant certain equitable relief in relation to rent if, and because, he is unable to pay the rent. I must say I see considerable difficulty in principle in giving a man relief from a contract simply upon the ground that he is unable to discharge the contract. That seems to me to be a doctrine of so dangerous a character that if you proceed to extend it you will find in a short time it will take you a great deal further than you contemplate. I think, Sir, that the clause, so far as the conditions are concerned, is framed upon the wrong principle. The clause, in my opinion, is not sound in the way in which it is drawn; it ought to be dependent on the existence of equity as between landlord and tenant; it ought to be dependent on the fact, not that the tenant is unable to pay the rent, although I think that, in the present condition of Ireland, and for reasons I will mention presently, ought also to be included, but because there is something in the rental which is unjust and unfair, and that he ought not to be called upon to pay. Under the present clause this state of things will arise—no man, until he is absolutely beggared, will be able to get relief. The man, *ex hypothesis*, who for the last 18 months has been called upon to pay an excessive rent, who has been unable to pay, and in respect to whose holding there are arrears, will obtain no benefit or relief under this clause. I think we should put this clause upon a right footing—namely, that if a man's arrears, or any part of them, are in respect of an unfair rent, he should receive equitable relief. I, therefore, venture to read again the words I propose to insert. One of the conditions which will entitle the tenant to relief under this clause will be, if my Amendment is accepted, that—

> "The rent in respect of which such proceedings are brought, or any portion of it, is in fact an unfair rent."

Whether the tenant is able to pay or not, whether the tenant is solvent or not, it seems to me that unless this clause is contrary to principle you ought not to deprive him of the benefits of this clause merely by reason that he has not exhausted all his resources. I think I may put my Amendment on a much higher moral level than that of the clause of the Government. I do not propose to omit the other contingency—namely, that the tenant is unable to satisfy by an immediate payment in full the landlord's claim, and for this reason—that I think that in the present condition of affairs in Ireland, and having regard to the fact that unfair rent has for so many years been paid by tenants, a fact that has been fully proved by the decisions of the Land Commissioners ever since they began their operations; this, in a period of difficulty and distress, is due as a return from the landlord to the tenant on the balance of charges. For this reason alone I wish relief to be given, not only where there is unjust rent, but also where the tenant is unable to pay his rent through no fault of his own.

Amendment proposed,

> In page 15, line 2, after the word "that," to insert "the rent in respect of which such proceedings are brought, or any portion of it, is in fact an unfair rent, or that."—(*Mr. R. T. Reid.*)

Question proposed, "That those words be there inserted."

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): The hon. and learned Gentleman (Mr. R. T. Reid) has denounced the principle on which we proceed in this Bill, and has stated a principle of his own, which he thought much superior. I confess that, even after his statement of the comparative merits of the two principles, I think our principle is the preferable of the two. The principle that he denounced was that we should relieve a person from fulfilling an obligation when it was quite clear that he could not fulfil it. If you are to relieve anybody from the result of a bargain, it should be done, surely, when it is proved that through no fault of his own he is not in a condition to fulfil it. Is that a new principle? It is the principle which underlies all bankruptcy. The entire bankruptcy legislation is founded upon that and no other principle.

Mr. R. T. REID: It is always founded on the principle of *cessio bonorum.*

Mr. A. J. BALFOUR: The hon. and learned Gentleman will not deny that the principle of bankruptcy is to say to a man who finds himself unable to fulfil his obligation—"You cannot fulfil your obligation. It is for the good of the State that you should, to a certain extent, be relieved from the weight of your obligation, that you may again become a useful citizen." We have, in one sense, restricted that here, because we require that the inability must not be due to a man's own fault. If the hon. and learned Gentleman thinks we have gone too far, he ought to recollect that what we have done in this matter is to give a certain measure of relief to people who cannot fulfil their obligations. That, as I have said, is the principle of bankruptcy; but it differs from it in two respects; it does not require *cessio bonorum,* but it requires that a man shall not be able to fulfil his obligations through any fault of his own. What does the hon. and learned Gentleman wish to substitute for it?

Mr. R. T. REID: Perhaps the right hon. Gentleman will allow me to explain. I am afraid I did not put the matter as clearly as I might have done. I did not complain, under the circumstances, of the alternative to my proposal; but I say it does not exhaust the necessities of the case.

Mr. A. J. BALFOUR: By the clause as amended by the hon. and learned Gentleman a man who is unable to fulfil his obligation will not be relieved. The hon. and learned Gentleman must know perfectly well that there are two reasons why we cannot accept his Amendment. The first is that it is, in fact, a revival of judicial rents and a retrospective revival. That alone prevents the Government accepting the Amendment, because we have laid down that the only two methods we can accept for revising judicial rents are either through bankruptcy or by means of temporary abatement. Then the hon. and learned Gentleman describes these contracts as unjust contracts, and this brings us to the second reason why the Government cannot accept his Amendment. I have explained that the Government cannot accept the view that the rents, which have been fixed by the State through the Courts appointed by the State, can properly be described as unjust rents. Therefore, to stigmatize on the face of our Bill these judicial rents which the Party opposite have forced the landlords to accept—[*Cries of* "Oh, oh!"]—I do not say that in any controversial spirit—to stigmatize on the face of our Bill these judicial rents as unjust rents is a course we cannot accept, nor do I see, on the hon. and learned Gentleman's own showing, why these rents are specially unjust. How do these contracts differ from any others? I should like the hon. and learned Gentleman to explain that. Can he deny that in every country where commerce is largely developed people are constantly making contracts, which the change of circumstances arising subsequently to the making of the contract render it difficult, onerous, and even impossible to fulfil. Will he deny that? If he does not deny that, will he point out how contracts of that kind differ in their sanctity from contracts as regard judicial rents? If they do differ, I think they differ in being less sacred. I am afraid we are travelling rather far from the details of this clause, and I hope the hon. and learned Gentleman will see it is impossible, at all events, that the Government can agree with his Amendment—that we are precluded from doing so by all our declarations. We must really adhere to the phraseology of our Bill in regard to this matter.

Mr. SHAW LEFEVRE (Bradford, Central): It appears to me that this

Amendment raises the whole question in a not inconvenient form, because if it is passed in its present shape it will practically enable the Court to determine what is to be done in regard to arrears. I put an Amendment on the Paper to Clause 3, with the view of raising this question; but, in deference to the hon. Gentleman the Member for Cork (Mr. Parnell), and under the impression that the matter might, on the whole, be more conveniently raised upon the clause now under discussion, I did not move it. I shall, therefore, say a few words on this Amendment. The right hon. Gentleman the Chief Secretary for Ireland appears to think that this Amendment merely aims at unjust rents in the case of judicial rents; that is far from being the case. There may be, and there are, cases of unfair rents other than judicial rents. The real fact is that there are 250,000 tenants in Ireland who have not gone into Court. A very large proportion of these have been deterred from going into Court by reason of the arrears of rent which they have never been able to pay. There are a number of cases of unfair rents which have been for years past unfair, and the arrears arising therefrom have been used as a means of preventing the tenants appealing to the Court. In Clause 3 we have enabled the tenant, in cases where ejectment is brought, to make application at the same time for judicial rent; and also, by another clause, we have enabled the judicial rents to be revised. Let me suppose that in any of these cases the rent in the future shall be lower than it has been in the past. If there be arrears in respect of that unfair rent it is practically determined by the Court that those arrears are unfair, and that they are larger than they ought to be—that they are in respect of rent which is unfair and excessive. It appears to me that on that assumption it is only right and fair that the Court should have the power, when it is settling proceedings and settling the action contemplated under this clause, to determine that those arrears of rent are unfair, and that they ought to be reduced. The Amendment of my hon. and learned Friend (Mr. R. T. Reid) practically points to that. I presume it will be followed by other Amendments, to enable the Court to reduce the amount of arrears in proportion as they may think fit; and, in view of that future determination, it appears to me that the Amendment of my hon. and learned Friend is a necessary precedent to them; and, therefore, I think the Committee should accept it. I feel satisfied of this—that unless, in some way or other, the Government is able to deal in this clause with arrears of rent, it will not effect a settlement of this great question. I do not say that this power should be given for all time to come. I should be perfectly satisfied if the clause dealt with arrears now existing, and not with arrears which may arise hereafter. Unless you can deal with the question of the existing arrears, which, I believe, form the difficulty of thousands of tenants at this moment, you will not settle the question; and this Bill, although it contains many wise and prudent provisions, will not bring about a settlement of affairs. I urge upon the Government in the strongest way I can to take this opportunity of dealing with the question. Unless they deal with it, I am afraid that in the coming winter such a state of things will arise that they will have to return to the consideration of the question next Session.

Mr. LEA (Londonderry, S.): Like the right hon. Gentleman the Member for the Central Division of Bradford (Mr. Shaw Lefevre), I had an Amendment down to a previous clause dealing with the question of arrears of rent. I am aware there are many large tenants in Ireland who have arrears of rent, and who fear to come into the Land Court. Their rents are high, and the arrears have been accumulating because they dare not come into Court. Unless the clause is amended in the way proposed, I am afraid it will not be as effective as it ought to be; it will not be as effective as the rest of the Bill. I am afraid the first error the Government made was in not accepting the Amendment of the hon. and learned Gentleman the Member for Inverness. We are now getting deeper into the mire, and the Bankruptcy Clauses may become a necessity, objectionable as they are.

Mr. CHANCE (Kilkenny, S.): Although I am an Irish Member, everyone who sits on the Treasury Bench will agree with me in this—that the tenant who is struggling along is as worthy an object for assistance as the man who is absolutely ruined. If they do agree with that proposition, I ask them to consider the precise phraseology of their clause. We find that the condition, precedent to any relief whatever under this clause, is that the tenant must have been sued and judgment recovered against him. I think that is good evidence that the tenant is not in very flourishing condition. But, not satisfied with that fact as an evidence that the tenant is struggling, the Government proceed to propose that the Court must be satisfied that the tenant cannot possibly pay the rent. The condition under which a tenant is to get relief under this clause is that he is absolutely ruined. That appears to me to be an eminently unsatisfactory state of affairs, and the Amendment of my hon. and learned Friend (Mr. R. T. Reid) is pointed at that state of things. My hon. and learned Friend proposes to include within the clause not only the tenants who are absolutely and wholly ruined, but also the tenants who are struggling on under excessive rents. Surely that is an extremely reasonable proposition. In spite of what the right hon. Gentleman the Chief Secretary for Ireland has pointed out, my hon. and learned Friend does not, by his Amendment, interfere with the jurisdiction which has already been given to the Court under the clause as drafted now, but he provides an alternative and an additional jurisdiction which will enable relief to be given, although the tenant is not absolutely ruined, where, in the opinion of the Court, the rent is too high. In the first place, the Government decline to brand any judicial rent as excessive rent. The answer to that is obvious. Firstly, the clause does not deal with judicial rents alone, but deals with all rents; and, secondly, even as to judicial rents, the Report of the Royal Commission over which Lord Cowper presided, and which Commission set under the patronage of Her Majesty's present Government, distinctly stigmatized a certain class of judicial rents as unfair rents. The second objection of the Government is that they have never departed from their original intention—namely, that only a temporary abatement should be made in the rent. This clause applies to specific arrears of rent. It enables the Court to grant an abatement in respect to the specific amount of arrears which have been included in these rents, and therefore it seems that the second objection of the Government does not apply at all. For these reasons I do trust the Government will reconsider their position. They have already included in the clause debts other than those for rent. We are now discussing the principle of the provisions of this clause, which are solely applicable to rents. We are now discussing that branch of the clause which deals with arrears of rent and nothing else, and it seems to me that it would be reasonable to extend the clause in this portion of it to tenants who are struggling, but who are not yet completely ruined. I do trust the Government will reconsider the position and agree to this Amendment.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I submit to hon. Gentlemen that as it is impossible for the Government to agree to the Amendment of the hon. and learned Gentleman (Mr. R. T. Reid), it is very desirable we should come to a decision on the question without further delay. My right hon. Friend the Chief Secretary for Ireland has fully stated the argument on which we rely. We cannot re-open the question as to whether these are unfair rents or not. Under these circumstances, and looking to the great necessity there is for making progress, I trust the Committee will now come to a decision.

SIR GEORGE CAMPBELL (Kirkcaldy &c.): It is clear that the question of arrears of rent should be dealt with some way or other. I think, however, the Amendment would very much complicate the clause; and under such circumstances I appeal to my hon. and learned Friend the Member for Dumfries (Mr. R. T. Reid) not to press it to a Division, but try to raise the question of arrears in another form.

MR. PARNELL (Cork): This clause is divided into parts, and I think my hon. and learned Friend (Mr. R. T. Reid) will agree that his Amendment will only have reference to the question of staying proceedings. He will also, I am sure, see that this is not a matter of such importance as renders it necessary to put the Committee to the trouble of dividing.

MR. R. T. REID: If hon. Gentlemen on both sides of the House think I ought to withdraw the Amendment, I have much pleasure in doing so.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 15, line 3, leave out from "the" to "costs," in line 4, and insert "judgment and."

Question, "That the words 'landlord's claim for arrears of rent, for which the proceedings are brought and for,' stand part of the Clause," put, and *negatived.*

Question, "That the words 'Judgment and,' be here inserted," put, and *agreed to.*

MR. R. T. REID (Dumfries, &c.): The Amendment I have now to propose is one which will need very few observations from me in introducing. It is to omit the words—

> "And there is reasonable ground for believing that, having regard to the interests of both the landlord and tenant, an extension of time to pay ought to be granted."

I do not quite see on what ground or principle the Government are proceeding, from whatever point of view you look at it. Let me take the case of a tenant who is unable to satisfy, by immediate payment in full, the landlord's claim for arrears of rent, a tenant whose inability does not arise from his own conduct, act or default. If that is not sufficient ground for relief, I do not see well what is. Why should it be necessary that, having regard to the interest of both landlord and tenant, an extension of time ought to be granted. I appeal to the right hon. Gentleman the Chief Secretary how it can be to the interest of the landlord that the debt should be postponed? How can it possibly be so unless there is a prospect that the tenant may hereafter become possessed of sufficient means to pay off the whole of the arrears? I hope the right hon. Gentleman will consider all that is involved in the clause. The clause surely ought to be an efficacious one. Suppose the Judge having to administer equity asks himself this question—'Here is a man who owes one year's rent, who is to go on paying full rent; is there any use whatever in the interest of the landlord in postponing the payment of the arrears?" The Judge could not answer in any other way than "no," unless he thought there was a prospect of the tenant being able to recover his lost ground. If this clause resolves itself into this—that in the case of tenants who are now unable to pay rent, and are unable to pay in the near future, some relief should be given, it seems to me the clause would be of very little use. I hope the Government will see their way to omit these words.

MR. PARNELL (Cork): I have an Amendment before that of the hon. and learned Gentleman. I thought the hon. and learned Gentleman's Amendment commenced at the end of line 4, instead of at the end of line 5. I think it is of great importance that there should be left out—

> "That such inability does not arise from his own conduct, act, or default."

MR. R. T. REID: I was not aware there was a previous Amendment.

MR. PARNELL: Let me point out that unless the tenant proves a negative he will not be able to obtain the relief provided in this section. I think it is right that where a tenant is a notorious drunkard, or a person who has not cultivated his farm properly, or who has got into debt by expenditure which he ought not to have indulged in, the relief of the Court may fairly be withheld. That might be provided for by some general words "having regard to all the circumstances of the case." I do not think it is well for the Government to put in limitations of this kind against the tenant and in favour of the landlord. There may be many considerations which the Court would take into consideration besides this particular one, such as the badness of the seasons or the scarcity or failure of the crops. On the other hand, the landlord would be entitled to claim on his own behalf that the tenant had drunk his money away, that he had spent money in things which it was not necessary he should have. These are matters which should be left to the Court, and if you bind the Court down to any one particular set of considerations you may run the risk of making the whole clause useless. How is the tenant to bring witnesses into Court to prove he is not a drunkard? Of course, he has his general character to rely upon, but he cannot bring witnesses into Court to swear a negative. I submit that these words are superfluous.

Amendment proposed,

In page 15, line 4, to omit "and that such inability does not arise from his own conduct, act, or default."—(*Mr. Parnell.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): The hon. Gentleman's (Mr. Parnell's) chief objection to these words appears to rest on the supposition that they would throw on the tenant the onus of proving he has not drunk his money away, or not mismanaged his farm. I apprehend that would not be the case. The Court would have to be convinced that the inability was not the result of the tenant's conduct, act, or default; but the onus of showing he was not guilty of any of these vices would not lie with the tenant. It must be recollected, when we are considering these words, we are giving a very wide power to the Court. We are giving the Court power to deal with every single case in which the tenant cannot pay through causes other than his own fault. The clause is of such a wide application that I do not think there ought to be any objection to this limiting phrase. I cannot imagine that it can militate against the justice or even the generosity of the clause. It is right we should give such directions to the Court as will enable them to judge of the intentions of Parliament in this matter. I hope the hon. Gentleman will not think it necessary to Press the Amendment.

Amendment, by leave, *withdrawn.*

Mr. R. T. REID: I beg to move the Amendment to which I have already spoken.

Amendment proposed,

In page 15, line 5, to leave out from the word "and," to the word "granted" in line 8, inclusive."—(*Mr. R. T. Reid.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

The ATTORNEY GENERAL (Sir Richarl Webster) (Isle of Wight): It would not be prudent or wise in the interest of the fair working of the clause that these words should be omitted. These words are general, and will not impair the clause.

Sir GEORGE CAMPBELL (Kirkcaldy, &c.): I think the Government would do well to accept the Amendment of my hon. and learned Friend (Mr. R. T. Reid). This clause is of a hypercritical character. It requires the Court to accept a view which the Court cannot believe in reality. There must be many cases in which a poor man, through misfortune, is unable to pay, and it is very desirable to grant him time.

Mr. DILLON (Mayo, E.): I hope the Government will reconsider this matter. Suppose a landlord comes into Court and states it is enormously to his interest to get hold of the farm; that he wants to give the farm to a relative of his own. How is a poor tenant protected in such a case, having regard to the statements that have been made?

Sir RICHARD WEBSTER: These are the words—"having regard to the interests of both the landlord and tenant."

Mr. DILLON: These words are of a very alarming character to us. What is the object of leaving in these words? The only interest the landlord can have is to get rid of the tenant.

Mr. Serjeant MADDEN (Dublin University): I do not think that any Court or Judge would for a moment put the construction upon the section which the hon. Member seems to apprehend and for this reason that what the Court has to determine is whether an extension of time ought to be granted. That will be the judicial decision, and these words are merely an instruction to the judge in coming to a conclusion to have regard to the interests both of the landlord and the tenant. I do not think any Judge would take the view of the hon. Member—namely, that if the landlord came in and said —"It is against my interest that an extension of time should be granted," there would be a deadlock. The Judge has to say whether an extension of time ought to be granted, and in deciding that question he must have regard to the interest of both landlord and tenant.

Mr. M. J. KENNY (Tyrone, Mid): The observations of the hon. and learned Gentleman (Mr. Madden) tend to show that there is great danger in retaining these words in the Bill. It is said these are simply words of instruction. I contend that a Judge exercising equitable jurisdiction requires no such instruction. A Judge surely knows what his business is. We must assume that the case is laid fairly before him, and these words he may construe into words of limitation of his jurisdiction. If these words are not in the clause he will know he is bound as a Judge to have due regard to the interests of landlord and tenant alike. If these words are retained it will be open to the landlord to show that an extension of time must not be given. It will be open to the landlord to show that the man cannot possibly live on his holding, as we have often heard it stated, if he has nothing at all to pay. The judge will have to take one side or the other; he will naturally have to decide contrary to the interests of one or the other. These words make it impossible for a Judge to exercise an equitable jurisdiction with that freedom which I think a Judge is entitled to claim. A Judge, in exercising jurisdiction, ought to be allowed a free hand. It will be extremely dangerous to introduce words of this kind which limit the action of the County Court Judges in Ireland.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): I agree with the hon. Member for Mid Tyrone (Mr. M. J. Kenny) that what we have heard from the hon. and learned Attorney General for England (Sir Richard Webster) and from the hon. and learned Gentleman the Member for the University of Dublin (Mr. Serjeant Madden) shows that these words are not what at first sight they appeared to us to be—namely, idle surplusage. It is now evident the words are intended to have a limiting effect upon the discretion of the Court. But I put it to the hon. and learned Gentleman the Member for Dumfries (Mr. R. T. Reid), and I call the attention of the Government to this, that my own Amendment is less open to the objection urged by the Government than the Amendment of my hon. and learned Friend. My Amendment will make the clause run "and there is reasonable ground for granting an extension of time." I propose to retain some of the words which my hon. and learned Friend proposes to leave out—namely, "there is reasonable ground." I submit that these words give a sufficient guide to the Court in the exercise of its discretion, but that the words "interests of both the landlord and the tenant" do limit the discretion of the Court.

Sir RICHARD WEBSTER: I understand the meaning of the right hon. Gentleman, but he will observe that the previous words refer to the conduct of the tenant—"such inability does not arise from his own conduct, act, or default." The right hon. Gentleman proposes that the clause shall then read —"and there is reasonable ground for granting an extension of time." I think that if the words respecting the interest of the landlord and the tenant are left out it will be said that there is, practically speaking, a direction to the Court not to regard the interests of the landlord at all. It does seem to me that there are cases in which, having regard to the relations between landlord and tenant, it is not to the interest of either or both that an extension of time should be granted. It is only proper that some such directory words as these should be inserted.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): I only wish to say it is far from my intention to do any injustice whatever to the landlord. I am perfectly sure that the Court would inevitably take into account the interest of the landlord.

Mr. PARNELL (Cork): I trust the Government will agree to leave out these words, especially having regard to the fact that the clause has been made, by a previous Amendment, to apply to all classes of creditors. The time to be granted will be in respect of debts due by the tenant to anybody, whether landlord or shopkeeper; in fact, an Amendment stands in the name of the right hon. Gentleman the Chief Secretary to omit the words "landlord and tenant," and insert "plaintiff and defendant." I should like to know how the Court is to approach the question from the point of view of the interest of the tenant. I think it would be far better to leave this matter to the common sense of the Judge. The Courts of Ireland are not so much in favour of the tenant that you need be in the least afraid to entrust them with this power.

Mr. A. J. BALFOUR: I think there is something in what has fallen from the hon. Member; but, perhaps, under the circumstances of the case, it would be well that we should accede to the request made to us. I should prefer, however, the words of the right hon. Gentleman opposite rather than those of the hon. Member.

Question put, and *negatived.*

MR. T. W. RUSSELL (Tyrone, S.): I beg to move the Amendment standing in the name of the hon. and learned Member for Inverness (Mr. Finlay), in page 15, line 8, after the word "pay," to insert "or reduction of amount." In the absence of the hon. and learned Member I beg to move that these words be inserted. I know, of course, that this proposal as to arrears is a very serious matter. It introduces practically a new principle into the clause; but my hon. and learned Friend desired to raise that question, and I think this would be the best Amendment on which to raise the whole question of arrears. Generally speaking, I concur with what fell from the hon. Member for Cork (Mr. Parnell) to-night, that unless the Committee deals with the question of arrears, half of its difficult task will be left undone. I very strongly opposed the Bankruptcy Clauses, and I can understand the Government saying we must either accept this clause as it stands or accept those Bankruptcy Clauses. Well, I am very far from saying that the Government are not logical in taking up that position; but, at the same time, the whole question of arrears is so difficult, and this appears to me to be the best way of dealing with it, that I venture, without hesitation, to propose this Amendment.

Amendment proposed, in page 15, line 8, after the word "pay," insert the words "or reduction of amount."—(*Mr. T. W. Russell.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The hon. Gentleman has adverted to the debate which took place rather earlier in the evening. When the hon. Member for Cork made a suggestion, I gave the views of the Government on the subject. In the course of the remarks I then had to make, I pointed out that the proper way of dealing with this question, as we thought, was by bankruptcy—in point of fact, I said there appeared to me no other way. I stated, at the same time, that we did not adhere to the Bankruptcy Clauses, and would be glad to adopt any machinery simpler and cheaper, and that as the word "bankruptcy" seemed to cause great offence, we should make it a point not to adhere to that. At the same time, when I put forward the dilemma with regard to bankruptcy, I did not put it in a controversial spirit. I did not mean to express to hon. Members—"It is too late to speak on this question now. You told us you would not have the Bankruptcy Clauses, and therefore you shall have nothing." I did not mean to adopt that tone at all, and I should be very sorry if hon. Members have taken me as intending to do so. Of course, we cannot accept this Amendment. Under the alteration suggested it will be in the power of the Court to diminish one by one the claims of each creditor as he comes up for judgment. First comes the gombeen man, and he is cut down 20 per cent; then comes somebody else, and he is also cut down 20 per cent; then comes the landlord, and he is cut down 20 per cent. You cannot have a rational system of bankruptcy carried out on those lines. The essence of bankruptcy is that the Bankruptcy Judge shall take account of all the debts and assets of the debtor, and make a general arrangement with the creditors. I am afraid, for these reasons, the Amendment introduced in its new form would work even more inequitably than in its old form, and I would ask the hon. Member not to press it. I would ask him, at the same time, to see if he could not devise some simpler method of dealing *en bloc*, in one general survey, with all the debts and assets of a debtor. If anyone can strike out a simpler method of carrying out the object we all have in view, I am sure the Government would give it their most favourable consideration.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I am sure hon. Members interested in the tenants of Ireland will make a fearful mistake if they reject the Bankruptcy Clauses of this Bill without substituting something in their stead. I take the view that it would be most desirable that a simpler form of composition should be adopted rather than the complicated form of Bankruptcy Clauses which we had in the Bill originally; but when we are told that we are to finish the Committee stage of this Bill to-morrow evening, and when we see how late it has got to-night, it seems to me that it must be an extremely difficult thing to recast the measure in the way suggested. It does seem to me that though the present Bill is open to the objection the hon. Member has stated, yet to deal with creditors piecemeal and not as a body, seems to me even more objectionable. It seems to me that the Committee must put in words such as those now proposed, or words of similar importance or character, in order to enable the Judge to make a composition in respect of the various debts which press upon the tenant—either that or you must accept the Bankruptcy Clauses, and I do not think it is altogether out of the question for hon. Gentleman below the Gangway to do that if the clauses were submitted in a modified form.

Mr. DILLON (Mayo, E.): This Bill was introduced to deal with the question of Irish land, and not with the whole question of bankruptcy or the pecuniary position of the Irish people. By including under the operation of this clause in the insidious way the Government propose, this question of the general indebtedness of the Irish tenantry the Government are drawing us inch by inch towards the Niagara Falls of the Bankruptcy Clauses. I ask the Committee to reflect—is it not enough, at this period of the Session, to deal with the one great crying grievance of the Irish tenants—namely, the question of excessive rents without trusting ourselves upon the limitless and bottomless ocean of the general solvency of the Irish people. No one that I am aware of, except hon. Members, in the course of these debates which they have forced on us, have asked the Government for a general system of bankruptcy for the Irish tenantry. Those who represent the people of Ireland have not asked, and do not ask for it. What we ask for is, the remission of excessive rents. The Government have admitted that there are excessive rents; in fact, that is the basis of their measure; it is to get rid of that evil, to relieve the Irish tenants from it, that they have brought in their Bill; but they must not give us this clause as an ultimatum. We desire that the debts of the Irish tenants should be dealt with as between man and man. We say—"Why not deal with debt after debt as it arises?" If the Government are going to introduce this system it should be in the least expensive form. If they are going to deal with the shopkeepers, the gombeen men, and the bankers as well—that is to say, with the whole liability of the tenantry of Ireland, the operation may be disastrous in the extreme. I would say—"Why not leave the Court to deal with each debt, and to act on its own judgment in the matter?" The right hon. Gentleman the Chief Secretary seems to be in this position—and I make no apology for going into this matter—he has delivered to us this ultimatum—"Either you must give no relief to the tenantry in the payment of impossible rents, or else you must accept our Bankruptcy Clauses in some shape or form." That is a terrible alternative he places before us. The people of Ireland, landlords, tenants, and traders have unanimously condemned these Bankruptcy Clauses, and now the right hon. Gentleman the Chief Secretary offers to us what I do not hesitate to describe as a terrible alternative. He practically says this—"Leave the evicted tenants and all those who are suffering from the arrears of impossible rents—leave them in despair and without a remedy, or else take our Bankruptcy Clauses." I should have to consider for a long time before I could make up my mind as to what choice to make in this terrible alternative. I would ask the Government to reconsider their position, and the position of the Committee before they insist upon this alternative. We have reached one of those great turning points of the Bill where it is to be decided whether the measure is to be a healing measure or a failure. I must say it is not just to put the ordinary traders of Ireland upon a level with the landlords. I speak with knowledge of the country and its circumstances, and of events which have happened there when I say that the creditors of the Irish tenants during the years of distress through which the country has lately passed have exhibited a most praiseworthy forbearance. There are shopkeepers in every town, and against these traders the people have their remedy. The traders live upon the custom of the people, and you will find that where their own good feeling might not lead them to treat the tenantry well—you will find in most parts of the country that the traders will shrink even in their own interests from unduly pressing the people to pay their debts. The traders of the country show such an amount of indulgence to their debtors that if the landlords in the past had only followed their example, this land question would never have been brought to the front as it has been. The traders live amongst the people, and trust the people, and respond to the public opinion of the country. The landlords, on the other hand, do not live amongst the people, or understand them, or respond to public opinion in the country. I tell the Government that they are importing a complication into this question which does not exist in fact. The traders of Ireland and their debtors will settle their disputes if you let them alone. There is no call for you to stand between the tenantry and those with whom they trade. All this has been brought about through the ignorance of the Government of the circumstances of Irish life. The disputes between the landlords and tenants of Ireland arise from the unfortunate position the landlords occupy towards the tenants of that country. You have stepped between those parties by your legislation, and now you propose to step between two other classes in Ireland, between two classes in whose cases these conditions have not existed which existed formerly between the landlords and the tenantry. The Irish people are well able to manage their own trading affairs. It is a most extraordinary position to refuse to step in between the landlords and tenants unless you also intervene between tenants and their bankers and tradesmen; and I warn the Government that the course they are pursuing cannot lead to good results. They are dislocating the whole credit system of Ireland, and I caution them that the wisest man in the House cannot foresee where the course they are embarked upon will lead them to.

MR. MARUM (Kilkenny, N.): I would point out to the right hon. Gentleman the Chief Secretary that I have a sort of compromise on the Paper. It is an Amendment which, if taken in connection with the Amendment of the hon. and learned Member for Inverness-shire (Mr. Finlay), is a sort of compromise. The hon. and learned Gentleman says that the Court shall decide as to what instalments of arrears shall be paid, and also what reduction shall be made in the amount owing; whereas, I say in my Amendment that in default of an agreement between the parties, no order for any lesser sum than the full amount of the arrears of rent and costs shall be made by the Court in satisfaction thereof, save within three years from and after the passing of the Act. This question was discussed in "another place," and an eminent Lord proposed an Amendment of this kind, which, however, was rejected. In consequence of that I drafted this Amendment—No. 37. My idea was, that as this proposal had been refused as a permanent motion, it would be a compromise to say that the arrangement giving the Court power to fix a lesser sum than the full amount of the arrears of rent, should not remain in operation more than three years after the passing of the Act. That would prevent the clause from being permanent, limiting it to the period of three years. What I would suggest to the right hon. Gentleman the Chief Secretary is that my Amendment only touches arrears of rent. I have had considerable experience of the wants and interests, and also of the condition of the people of Ireland; and I quite agree with the observation that it is not necessary to interfere with the commercial debts of the tenantry. It would be dangerous to do so. One of the things most regarded in Ireland is capital, and next to capital, credit; and if you touch these commercial debts, you will most seriously interfere with credit. If the right hon. Gentleman will not make the principle of allowing the Court to reduce the arrears permanent, I trust, at all events, he will give us this compromise I propose.

MR. A. J. BALFOUR: As to these three words I have already spoken on the point. I am sorry the hon. Member for East Mayo (Mr. Dillon) should flavour his speeches with so many hard words against Her Majesty's Government. Worthless and insidious and such like words he showers upon us almost every time he speaks, regardless of the fact that we are doing our best according to our lights to devise a practical scheme in the interests of all the parties in this matter. As to the principle which should govern our conduct, I may say this, one hon. Gentleman says that without the Bankruptcy Clauses, or something equivalent to them, the Bill will be a failure. I cannot take the view of the situation that that hon. Member takes. I never disguised from the Committee or from the House that I should prefer to see clauses of some sort in the Bill which would relieve tenants from their legal indebtedness; but I do think that the system of the spreading out the arrears under the guidance of the County Court Judge will go a good way to meet the difficulty which now exists in Ireland. I think that arrears of an absurdly extensive and unjust character will be dealt with by the County Court Judge in a manner which will compel the landlords—as the phrase goes—voluntarily to come to the terms. I may here say that it has all along been my opinion that the best and most satisfactory element of this clause is the element which may be described as voluntary agreement under pressure. That is a pretty accurate description of the probable operation of the clause. I believe that the hon. Gentleman takes too dark a view of the situation when he says that in the absence of the Bankruptcy Clauses this Bill will do nothing to relieve the tenants from the arrears of rent. I believe if we had only arrears of rent due by the tenants to the landlords to deal with, a great deal would be done by this clause to relieve the tenants of that burden.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): The Bill, as the right hon. Gentleman describes it, will confer an immense boon upon the people of Ireland; but the right hon. Gentleman did not deal with the contention of the hon. Gentleman the Member for East Mayo (Mr. Dillon) that in interfering with the general credit of the country you are embarking on a shoreless sea; and I must say, for my part, listening very carefully to what the Government have said, that I cannot understand why they should do it unless it be for the purpose of colouring the concessions which they have made against the landlords. They want to appear to put the landlord on the same footing as other creditors; but I think a hundred reasons can be adduced—many of them have been adduced to-night—why the House should not regard the landlord as not being on the same footing as other creditors. It is surprising that a Party of statesmen, who are so adverse and so chary of interfering with sanctity of contract, should spontaneously, and without any pressure from any Party or section, attempt to bring this new class of cases before the Courts. The right hon. Gentleman has spoken of the load of indebtedness apart from rent under which the Irish tenants labour. A witness before the Cowper Commission stated that in some parts of Ireland the indebtedness outside the rent is as much as eight or 10 times the amount of the rent. I have taken some trouble to find out what foundation there is for this very alarming estimate, and all I can say is that from the best testimony I can get that is an enormous over estimate of the amount of the indebtedness. I do not know what hon. Gentlemen from Ireland will say, but I am told that in those figures the indebtedness is four or five times over stated. That being the case, and this load of indebtedness being, as I believe it will be found to be, very much less than the right hon. Gentleman supposes, is one reason the more why we should think twice before giving this enormous extension to the Bill of the Government.

Mr. O'DOHERTY (Donegal, N.): As to the power for the County Court Judge to permit the tenants to pay instalments of arrears, which seems to the right hon. Gentleman the Chief Secretary for Ireland the proper solution of this difficulty, I can only tell him that, according to my own knowledge and experience, the notion that the County Court Judges will spread the payment of arrears extending over two or three months over a period of four or five years is simply preposterous. Such a thing, if this clause passed in its present form, never would be heard of. Such instalments would never be granted. There is, therefore, no hope whatever on the instalment portion of the subject. What would be the effect between debtor and creditor in Ireland—between an unjust or harsh creditor who is pressing unduly upon the tenant, and a tenant? What will be the effect—I speak of the creditor who is pressing unjustly? I do not care who he is. If you give the tenant power to go into Court, and to say—"This is a harsh creditor, who will not make terms with me; all the other creditors are giving me 40 or 50 per cent—they are all giving me two or three years to find the money; but here is this Shylock who insists upon his pound of flesh, and I want you to treat him in the way that the other creditors are treated." If you give the tenant power to say that, it would not be a general measure of bankruptcy. There is no Court to come in and settle between these parties, and it is only with regard to arrears and debtors that the contest is going on. If you bring about a settlement in regard to those matters everything is settled. If you give solvent tenants three years to settle, by means of some self-working machinery, and make no arrangement for the amelioration of the condition of those for whom the Bill was brought in, no measure of a more ridiculous, and, so far as the House is concerned, of a more disgraceful character can be conceived. It would be a disgrace to this House to say we have been sitting here for weeks in order to meet the case of men threatened with eviction, and who are harshly treated, and yet we quietly pass a Bill to meet occasions which have never arisen, and to relieve people who are in no difficulty at all at the present moment. The Government have provided a machinery which will provide for all tenants a reduction of rent; but that we should pass from this Bill without making provision to relieve some of the tenantry from crush arrears which they bear, seems to me an absurdity. I object to the gombeen men who may have large dealings with the tenants of a particular estate having the power, if he chooses, to press those tenants, and to make them all bankrupts. That would be as objectionable a thing as to enable the landlords to make them bankrupts. I do not see why sufficient for the day is not the evil thereof. It is ridiculous to meet difficulties as to rent which have arisen, unless you also meet cases which have not arisen.

Mr. T. W. RUSSELL: The difficulty that we are in arises from the first position the Committee took up. We should not have been in this difficulty but for the Division we had sometime ago this evening. We have here a clause which, I admit, to be a good one; it provides for certain things. It provides that a tenant shall have time to pay arrears, and that the Court shall have power to arrange in instalments. Those of us who have had anything to do with tenants' affairs believe, that in addition to those powers, there should be power given to deal with arrears, and we believe that if power to deal with arrears is not given, the clause will be deprived of half its value. [An hon. Member: No, of all its value.] I will not say of all its value. I believe that the landlord will often accept a composition which the Court will have power of arranging; therefore, I do not agree that all the benefits of the clause will be lost; but I certainly think that it will be shorn of half its efficacy. My position is this, that it is absolutely necessary that we should have power given to the County Court Judge to reduce those arrears precisely because of those landlords who will not come to terms. We are told that that cannot be done, because we have now added shopkeepers and gombeen men to the clause. But I objected to their being added, and that is precisely the difficulty that we are in now. What I want the Government to see is this. I do not think it is fair when the Committee has got into a fix like this that they should throw upon private Members the duty of drafting clauses to get the Committee out of that difficulty. The whole House believes that something should be done. We cannot accept the Bankruptcy Clauses of the Government, which we believe to be dangerous and unworkable. Surely then it is the duty of the Government, with all the resources that they have at their command, to draft a clause which will deal with those arrears in a way that will relieve us of the difficulty that we are in now, and will relieve the tenants in Ireland from the difficulty in which they find themselves.

Mr. FINLAY (Inverness): This Amendment, numbered 20 on the Paper, and Amendment numbered 33, which stands in my name, raise the same question, and I desire to say a few words with regard to them. If I rightly understood the right hon. and learned Attorney General for Ireland (Mr. Gibson) at an earlier period of the evening, the intention of the Government is, that a provision with reference to payment by instalment should be made applicable only to actions for ejectment. Now, what I would suggest to the Government is this. If the Court is to have power in any of the cases, which now fall within Section 22, to order payment by instalment, spread over any period of time that to the Court seems right, and to any amount that the Court seems right, surely it is right and proper that the Court should have power, if the parties will not come to terms, to say that a smaller sum than the whole amount, and arrears, and costs should be taken in satisfaction. I suggest that that is a reasonable course, and which may avoid difficulties. If the intention be, as I think, rightly apprehended to confine the provision for payment by instalment to cases of ejectment by the landlords, and for payment of the whole amount, by adopting my proposal the Government will get rid of the difficulty as to other creditors which is now introduced. But I would suggest to the right hon. and learned Attorney General for Ireland that it would be convenient that where power is given to the Court to spread payment over, it may be a long period; and where the parties will not agree to the payment of a small sum in satisfaction, the Court should have the power to say—"let such and such a sum be taken," and so end the dispute. I hope some such course as that will be taken by the parties.

Sir GEORGE CAMPBELL: It should be explained whether it is the intention of the Government to apply payment by instalment to cases of rent, and not to the case of other debts. It does seem as if it were intended that the Government should give power to allow instalments in the case of rent only, and not in the case of other creditors. The hon. and learned Gentleman who has just spoken (Mr. Finlay) has said that which may considerably alter the course of the debate, and I therefore should like the right hon. Gentleman the Chief Secretary for Ireland to answer the question I have put to him.

Mr. A. J. BALFOUR: If I caught the hon. Gentleman's point aright he asks why we should not extend our instalment principle to debts other than the landlords. I should have no objection to doing that, but I am afraid there are technical difficulties in the way.

Mr. PARNELL (Cork): I consider the suggestion which the hon. and learned Gentleman the Member for Inverness (Mr. Finlay) has made is eminently worthy of the consideration of the Government. He has pointed out that there should be no difficulty whatever in dealing with the question of extending the jurisdiction of the Court, and giving it power to reduce the amount of the arrears as well as providing for the instalment, if the Government had not refused to accept the Amendment earlier in the evening. But the Government having insisted on introducing a complication making all claims come in so far as the extension of time goes, they now if they can obviate the necessity for Bankruptcy Clauses, or modify the Bankruptcy Clauses, by extending the provision with regard to the reduction of the amount in the same way as they propose to leave the provision with regard to fixing the instalments—that is to say, by continuing those two powers for the classes of debts due for rent, and not in respect of other claims. I think it is scarcely fair for the right hon. Gentleman to throw us back on the principle of making all creditors stand alike, and then when we offer to make all the creditors stand alike by extending the powers of this clause for the case of any judgment whatever, telling us that all those claims might be brought in simultaneously as they would be in bankruptcy. It is impossible to defeat bankruptcy, or even to modify Bankruptcy Clauses. But even if they could be so drafted or modified they would not be accepted by the Irish Members, and in my judgment they ought not to be accepted by the Irish Members, because there is a very great difference between allowing the shopkeeper to come in as a creditor under the provisions of this clause, and then when he does come in, subjecting him in common with the landlord—who might not have come in—or subjecting him by himself to the power of the Court to reduce the amount and compelling all creditors to come in. You compel all creditors to come in against the tenant, when the pressure comes only from the landlord, and not from other classes of creditors. We are dealing with a question of practical importance—the question of the difficulties which has existed in the relations of the landlords and tenants—difficulties which everybody believe ought to be put a stop to, but these difficulties have not arisen between the tenants and other classes of creditors. There is no strength in the argument of the right hon. Gentleman that if any relief is to be afforded to the landlord it should be by a clause or clauses on the model of the Bankruptcy Clauses of the Government, under which all creditors would be compelled to come in simultaneously. The question, so far as I can make out, stands in this position. There are two alternatives, so far as we are concerned, in arriving at a possible settlement of the question —a settlement which it would not be impossible to arrive at, and which would not take too much time to arrange. One alternative is the one I presented to the Committee a short time ago, that we should extend the power to the Court under this clause for the reduction of amounts as well as for the fixing of instalments, and that this power that the Government has insisted upon should be applicable to all creditors whether landlords or not. The other alternative is to adopt the suggestion which has just been made by the hon. and learned Member for Inverness, that you should give the Court power, in addition to fixing the instalments, to reduce the amount of arrears, and that you should limit that second power in the case of the landlord's debts. Of course that is one we should prefer most, but sooner than leave the question in its unsettled state—in a state which I am afraid will spoil the results of the working of the whole Bill—we would agree to accept that power if granted by the Government, the power of reducing the amount of the judgment in respect of the rents of the landlords extended to cases of ordinary debts. But we cannot agree to the remodelling of the Bankruptcy Clauses or to any provisions in the nature of bankruptcy provisions requiring that all debts should be brought in together and adjudicated upon simultaneously. We do not believe that, as a matter of fact, the debts due to other creditors are not pressing, and are not being pressed. Society is not being disorganized, and if the power that we suggest is granted, and if the clause is made applicable to all classes of creditors, we do not believe even then that the shopkeepers would come in. We believe that they would settle out of Court, and would be very glad to enter into amicable arrangements with the tenants. We believe that there would not be pressure brought to bear upon the tenants in this quarter any more than there is now.

Mr. A. J. BALFOUR: It appears to me that the fact that we have stopped the "back door" is now being used against us as an argument to get us to consent to further distinctions as between landlords and their creditors. One result of that has been that we have given the County Court Judge power to stay judgments. It is impossible to adopt the principle advocated by hon. Gentlemen opposite, that if power is given to the Judge to fix instalments, he should also have power to fix the amount of arrears to be paid. I think the difficulties of putting the landlord and other creditors on terms of equality are very great; but the point has been raised against us because we desire to keep the equality in all other respects the same. There are only three possible ways of dealing with this question of arrears of rent now before the Committee. There is first, the plan of the Government—namely, those clauses which are in fact and substance Bankruptcy Clauses, whether they are those on the Paper, or any other which might be afterwards prepared. If I understand the speech of the hon. Gentleman the Member for Cork (Mr. Parnell), he has laid it down as a fundamental principle of his Party and of others on that side of the House with whom he acts, that nothing in the nature of Bankruptcy Clauses will be accepted. Therefore, it is useless for us to devote such ingenuity as we may possess to the task of remodelling the Bankruptcy Clauses so as to avoid the word "Bankruptcy," and to form the clauses into a machinery, which would enable a quicker and cheaper process to be adopted. I understand it to be distinctly laid down by the hon. Member for Cork, speaking in the name of his Party, that neither the clauses which we have on the Paper, nor any other clauses of a similar character dealing in the ordinary manner with debts, will be accepted by him and his Friends. In other words we are not to be allowed to deal with the debts of the tenants. If we require that these debts are to be dealt with at all, then the debts due to all creditors are to be administered on a similar scale, and by a similar process. That being so, I am bound to say that I think the position is more or less cleared up, because I do not see how it is possible for the Government to give any other conditions than those which they have offered. I deeply regret the decision at which the hon. Gentleman the Member for Cork has arrived. I feel with him, and I have always felt with him, that the question of the debts of the tenants is a question that ought to be considered, if it can be considered effectively by the Government; but I am bound to say that by the decision that has just been announced to the House the hon. Gentleman does appear to have shut the door on the only possible method of solving the difficulty in consonance with the ordinary principles of justice. What does the hon. Gentleman suggest? He has an alternative—namely, that the debts of all the creditors should be dealt with *seriatim* in the order in which they are brought before the County Court Judge. Now, that implies that all the creditors of the tenants are likely to get their debts paid, in other words that the creditor, who like the shopkeeper can refuse to give the tenant further credit, is to be treated in exactly the same terms as the creditor, who, like the landlord, is obliged to give further credit to his debtor. The landlord, under the Act of 1881, finds himself in the position of having the tenant fixed for ever on his property. By the Act of 1881, speaking broadly, the tenancy can only be terminated by failure of the tenant to pay his rent. That security we have removed from the landlord by this clause as it now stands. The tenant was obliged, under the Act of 1881, to pay his debts punctually under pain of losing his tenant right. That right of the landlord we have, I will not say wholly destroyed, but profoundly modified and largely interfered with by the section now before the Committee. When the section is carried the tenant will have it in his power, subject to the discretion of the County Court Judge, to hang over his debts for an absolutely indefinite period, during which period he will continue to get credit, modified also by some discretion of the Judge. Compare the position of the landlord with the position of the shopkeeper. The shopkeeper is not obliged to supply any more goods unless he likes to the tenant. He may stop the account to-day or to-morrow. The tenant knows that if he does not pay his ordinary debts, not only the shopkeeper whom he has been in the habit of dealing with, but every other creditor will refuse to give him credit. Under these circumstances, do you not place the shopkeeper, to whom it is much more for the interest of the tenant to pay than the landlord, in a better position than the landlord? If you carry out the proposition of the hon. Member for Cork as a matter of practical politics—and here I would say that hon. Gentlemen below the Gangway opposite are always telling us that they understand the management and the manner in which things are done in Ireland, and that no one who has not lived amongst the people can have the slightest idea of how those things are managed. ["Hear, hear!"] Well, I appeal to those hon. Members who know, if the tenant who has a certain amount of money—or put it this way, if the tenant has two debts and no adequate means of paying both, which is he likely to pay first, the landlord or the shopkeeper? Does any hon. Member doubt that the one he would first choose to pay in the present condition of the country would not be the landlord, but the shopkeeper? [*Cries of* "No, no!"] Yes, I think that may be deduced from the statements which we have had from hon. Gentlemen themselves. I feel convinced that I come very near the truth in that statement. The first debts that are paid are the debts to the landlord, and therefore if you are going to liquidate debts and make a composition of them in the order in which they come before the County Court Judge, can anyone doubt that the debt which will be composed will be the debt of the landlord, and the debt which will not be composed will be that of the trader. Does anyone deny that?

An hon. MEMBER: Yes, we all deny it.

MR. A. J. BALFOUR: Then what becomes of the argument of the hon. Member for East Mayo, which distinctly gives us to understand that the shopkeepers are not in the habit of coming to the Court, whereas we all know to our cost, that the landlords are always coming to the Courts.

An hon. MEMBER: The shopkeepers have not pressed.

MR. A. J. BALFOUR: An hon. Member says that the shopkeepers have not pressed for their debts. Is the hon.

Member really seriously of opinion that the composition given to the shopkeepers is not larger than the composition given to the landlords? I cannot believe that any hon. Gentleman, getting up in this House and honestly giving the Government and the Committee the result of his experience, will seriously maintain that proposition. The ground upon which the Government decline to treat these debts *seriatim* is, after all, not confined to Ireland, and does not depend for its validity on any special knowledge of Irish life. It is a plain principle of equity, which has been adopted, so far as I know, in every country. I conceive that we should be committing a great and serious breach of the interests of public policy were we to adopt this principle—a greater breach than if we were to adopt almost any other principle which has ever been suggested. I confess that rather than adopt the principle suggested by the hon. Member for Cork I would prefer that proposed by the hon. and learned Member for Inverness. Rather than accept this liquidation of debts brought up *seriatim*, I would choose the suggestion of the hon. and learned Gentleman opposite. But I have explained that we cannot accept that proposition, and I think I have given sufficient reasons for showing why, of the three possible solutions of this question, the Irish Party reject one, and we feel ourselves most reluctantly compelled to reject the other two.

Mr. FINLAY: I do not think that I gave the Committee to understand quite plainly the meaning of the suggestion I threw out. I did not suggest that there should be a power of reduction of the amount of the debt due to the landlord. I understood the right hon. and learned Attorney General for Ireland to say that the intention was that in the case of proceedings for ejectment, and in that case only, there should be a power vested in the Court to reduce the payments by instalment. Now, it is obvious that the Government are making a difference even between that case and the other cases, and what I suggest is this, that inasmuch as it is the intention to treat the case of an action for ejectment in a different way from other cases, it would be convenient to add to the power of payment by instalment in that case the power of saying that the reduced amount should be paid. I did not intend to apply it to the landlords' claim for a full rent. I said it might be possible to extend the power proposed—to confer on the Court power in the case mentioned.

Mr. SHAW LEFEVRE (Bradford, Central): I think if all the tenants in Ireland were like English tenants, with large holdings and paying a considerable amount of rent, there would be a great deal of force in the argument of the right hon. Gentleman the Chief Secretary, and that the proper way of dealing with the case might be through Bankruptcy Clauses. But we must remember that three-fourths of the tenants in Ireland are small tenants, paying less than £30 a-year, and that to those tenants the proceedings of bankruptcy are altogether inapplicable. It would ruin them to go into Court for such debts as they have, small as they may be. It appears to me also that the claims of the Irish tenants, especially of the smaller tenants, for a reduction of arrears of excessive rent, is one founded on justice, and unless the Government are prepared to admit the justice of the claims, they are no doubt right in refusing the claim now made. Many tenants have been unable to go into Court on account of the arrears of rent hanging over their heads. Debts of this kind are very different to debts owing to the shopkeeper—they come under a totally different category. The Government has already admitted the difference that exists between the case of an action for ejectment and the case of a private debt. All that my hon. and learned Friend the Member for Inverness (Mr. Finlay) asks is that in making this exception, and applying a different procedure to the case of ejectment, you shall give to the Court not only power to spread the arrears of debt over a term of years, but should give the Court power to reduce the arrears. The remedy in the clause, as it stands, is to spread the arrears over a term of years. I presume that, under these circumstances, the tenant would have to pay the whole rent in addition to instalment of arrears. I do not see that he would gain much under that proposal, and I trust the Committee will adopt the Amendment.

Mr. T. P. O'CONNOR (Liverpool, Scotland): I must say that the speech and the attitude of the right hon. Gentleman the Chief Secretary for Ireland on this clause is one of the most remarkable instances I have ever known in which want of knowledge and want of thought may have effects so disastrous. The right hon. Gentleman made an appeal to the House just now as to a matter of fact, and I am going to answer that appeal further than it has yet been answered by interruption on the part of some of my hon. Friends. The right hon. Gentleman asked if a debt were due to the landlord and a debt were due to the shopkeeper what debt the Irish tenant would first think of paying. The right hon. Gentleman asked whether anyone would have the courage to say that if a choice were given to a tenant between the payment of a debt to the landlord and the payment to the shopkeeper he would not give the preference to the shopkeeper over the landlord. The right hon. Gentleman appealed to us for information, and in answer, I will in the most emphatic manner—and I think my hon. Friends around me will confirm me when I say it—that when the choice the tenant has is between paying the landlord and paying the shopkeeper he always pays the former and abstains from settling the claim of the shopkeeper. Now I think we have some reason to complain of the course taken by the right hon. Gentleman the Chief Secretary. He acknowledges his own want of experience on this subject, and of course he could not deny his want of experience. I do not say that in blame or in any hostile spirit towards the right hon. Gentleman. He must know very well that on this question his experience is very small. He admitted our experience and appealed to us; he invited from us the lessons of our experience, and when we gave him the result of our experience and stated our knowledge of the facts, the only answer we received from the right hon. Gentleman was an incredulous shake of the head. I undertake to say that the Unionist Members who have lived in Ireland for some time, however short that time may be, will support the statement that where the tenant has debts owing both to the shopkeeper and the landlord he invariably postpones the former in preference to the latter. I do not mention this as a matter of merit on the part of the tenant, and I think the right hon. Gentleman, if he will reflect upon the matter for a moment, will see why. The shopkeeper cannot turn the tenant out of his holding; but the landlord can. The shopkeeper cannot deprive the tenant of the means of his livelihood; but the landlord can, and everybody knows that to retain the possession of his farm is the highest and most sacred principle for which a tenant will fight; accordingly wherever it is possible the rent is paid to the landlord, no matter what other debts the tenant may have. I warn the right hon. Gentleman the Chief Secretary for Ireland that the policy he is pursuing in this clause will be disastrous in its results. I am sure that if he knew how disastrous it would be he would earnestly join us in opposing his own policy. Which does the right hon. Gentleman think the tenant would rather face, the loss of food, or the loss of credit?

An hon. MEMBER: And clothes.

MR. T. P. O'CONNOR: Why, if the tenant loses food it matters little whether he has clothes or not, so that my hon. Friend's interruption was purely a matter of supererogation. When the Bessborough Commission was in Sligo they found there a shopkeeper to whom was owing no less a sum than £8,000 to £10,000 from farmers in the district. That amount was owing for Indian meal, the lowest and meanest form of nutriment that can possibly be employed to keep body and soul together. If the farmers had not incurred that amount of indebtedness they would not have been able to obtain this miserable form of sustenation. If they could not have run into debt they must have starved. I say that if this clause is inserted in the Bill, in its present shape, the effect will be to prevent the tenant even from getting Indian meal from the shopkeeper. I would impress on the mind of the right hon. Gentleman the Chief Secretary, I would warn him, that by destroying the credit of the farmers he is destroying the possibility of their getting under certain conditions food for them and their families. I do not feel compelled to go into an ethical defence of the duty of the shopkeepers, and the duty of the farmers towards the shopkeepers and the landlords. I do not think the right hon. Gentleman has, in his heart, accepted the principles of the Land Act of 1881. I do not require a metaphysical adhesion to that Act on his part. I do not inquire whether he gives it, that is an affair between him and his own mind; but what I say is this, that his whole legislation is founded upon the Act of 1881, and that if this legislation does not follow the lines of that Act it will be nothing but a shame. That Act established the landlord and tenant as partners in the soil. Well, suppose the right hon. Gentleman and I were partners in a business concern, and that if I, who had the working of the business, suffered a great many losses one year, do you think I should be able to pay him the same amount of profit as I had been in the habit of doing? Certainly not; and it is the same with the tenants and their landlords. If the tenants have a bad year they must neccessarily be unable to pay the landlords as much as formerly. The whole Bill is founded on the badness of the times, on the smallness of the profits, and because the property of the tenant brings in less than it has done in former years. It is obviously unfair while the burden of this loss should properly fall on the landlord and tenant that you should make the shopkeeper suffer for it in respect of the food and clothes he has supplied to the tenant. To do that seems to me a most immoral proceeding. I am afraid, however, that the introduction of the question of morality is rather an academical matter to enter into the discussion of here. I submit that the Government are proposing legislation which will deprive the tenants of all credit, and by depriving them of credit you put it out of their power even to obtain food. While I give the right hon. Gentleman credit for honest intention, and for doing what he considers right in the interests of the Irish tenants, I must say that he is giving them one of the most dangerous portions that ever was presented to them. I would press on the right hon. Gentleman the desirability of accepting the proposal made by the hon. and learned Member for Inverness (Mr. Finlay). The right hon. Gentleman seems to think that spreading an exorbitant rent, or the arrears of an exorbitant rent, over a long period will be a relief to the tenant. If the rents are not exorbitant, this Bill is a dishonest Bill, to which the right hon. Gentleman, a Cabinet Minister, should not have given the sanction of his name. If the rents are exorbitant, I ask how can you justify the payment of these rents in full, even though you postpone and spread over several years the payment. I am concerned in this matter very seriously. My hon. Friends and myself are strongly and emphatically convinced that this is a Bill fraught with danger to the credit, and therefore to the prosperity of Ireland.

Mr. A. J. BALFOUR: I should like to say a few words in reply to the hon. Gentleman (Mr. T P. O'Connor). He he has given two arguments which I think the Committee ought to thoroughly understand. One part of his speech went to prove that the tenant ought not to pay the landlord, and the other part went to prove that the tenant had no inducement to pay the landlord at the expense of the shopkeeper. If these two conditions are granted, I think we ought to have bankruptcy applicable to all creditors alike if we are to have bankruptcy at all. The hon. Gentleman argues that the landlord and tenant are partners, and that being so, they ought to rob the outside world before they rob themselves.

Mr. T. P. O'CONNOR: The right hon. Gentleman has put his argument, and not mine. His argument is that the landlord and tenant being partners, should rob the shopkeeper. My argument is that the landlord and tenant being partners, should divide their losses, and not that they should rob people outside.

Mr. A. J. BALFOUR: I stated that the hon. Gentleman first tried to show that the shopkeeper ought to be paid before the landlord. The hon. Gentleman told us that to destroy the credit of Ireland was, practically, to produce starvation. Nothing in the world, I presume, stops the credit of the shopkeeper so much as declining to pay the shopkeeper. If the tenant has a great inducement to pay the shopkeeper before anyone else, it is clear the landlord will come worst out of the matter.

Colonel WARING (Down, N.): The hon. Gentleman the Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor) adopted a line of argument which is very commonly adopted, and which is, indeed, the most plausible argument which can be addressed to a not very discriminating audience. I hope, however, that the House has too much discrimination to be taken in by that line of argument, which amounts to the most unblushing begging of the whole question that can possibly be imagined. As a matter of fact, the landlord is not preferred to the shopkeeper in Ireland as a general rule, except when the edict of the National League so decrees, and where the shopkeeper is afraid to enforce his claim, because, if he did, he would be Boycotted. In the part of the country in which I live the shopkeeper does enforce his claims with a great deal more stringency than the landlord, and, consequently, he is first paid. With regard to the question of partnership in the land, there is no doubt that under the Act of 1881 there is a partnership between landlord and tenant; but according to the hon. Gentleman opposite it is a one-sided partnership. Where the bargain is an unfavourable one, one partner is to suffer no loss, and where it is favourable the other partner is to get nothing. Therefore, it is really a case of heads I win, tails you lose. I assure the Committee that, as far as my experience goes, the shopkeeper in the North of Ireland gets his money and the landlord has to wait for his. If the present kind of legislation goes on the only result will be that the landlord will be obliged to become much more stringent than he has been, and that the shopkeeper will come off second best.

The CHAIRMAN: I should like to remind the Committee that the question before it is that after the word "pay," the words "or reduction of amount" be inserted.

Mr. CHANCE (Kilkenny, S.): I will bear in mind the intimation you have given to the Committee, Sir—namely, that what we are considering is whether the Court shall have power to reduce the amount of arrears. With your permission, however, I must notice that the experience of the hon. and gallant Gentleman the Member for North Down (Colonel Waring) as to the treatment of shopkeepers, as distinct from landlords, is, I fear, limited very much to his own estate. I can quite conceive that the hon. and gallant Member for North Down has not shown that extreme anxiety to exact his full rights which is characteristic of many other landlords. He has just said that the landlord is not preferred to the shopkeeper; but let me point out that the landlord is preferred to the shopkeeper in certain ways. For instance, the shopkeeper has no power of distraint; he has no preferential claim to the extent of a year's rent; he has no preferential claim in bankruptcy. We know that the landlord is a preferential creditor in these cases. Let me remind the right hon. Gentleman the Chief Secretary for Ireland that last year a Bill, called the Crofters' Holdings Bill, was passed into law, and was passed mainly by the votes of the Conservative Gentlemen who now sit on the opposite Benches, but who were then in Opposition. May I quote to him for his instruction—I must say for his instruction, because he does not seem to be aware of its existence—the section of that Bill which deals with applications to fix rents. The section goes on to say that in the proceedings of such applications the Court is commissioned to take account of the amount of rent due, or to become due before the application is finally determined, and that it may take evidence of all the circumstances which have led to such arrears, and shall decide whether, in view of such circumstances, the whole or any part of such arrears ought to be paid, and whether they ought to be paid in one payment or in instalments, and shall have power also to decide on what day the whole or any part of the arrears shall be paid. Now, Sir, I am afraid the right hon. Gentleman has entirely forgotten that last year that Bill became law. Although he may for the moment be ignorant of the section of that Bill I have referred to, when I look at the phraseology of the 22nd clause, I find he has carefully taken every provision of the Crofters Act and imported it into this Bill, with the exception of one. The only one he has omitted is the power of the Court to reduce the amount of arrears. I presume that is omitted advisedly, because I recollect that the Scotch Crofters Commission have actually struck off 60 per cent of the arrears of rent. I do not know why the Irish tenants should not receive from the Tory Party in this House and in "another place" as good treatment as the Scotch tenants received last year. What is the objection of the right hon. Gentleman to this? He says that it virtually amounts to a proceeding in bankruptcy. I admit that to the fullest extent. It does; but then he says, if we are to give you anything of this nature, we will insist upon the equal treatment of creditors which exists in bankruptcy. The right hon. and learned Gentleman the Attorney General for Ireland (Mr. Gibson) will not, I presume, although he is an Irish Law Officer, have the audacity to get up and say the landlords in bankruptcy are treated on a substantial equality with other creditors. The Committee will recollect that, in the 23rd clause, the Gentlemen who now speak of equality in bankruptcy propose to compel ordinary creditors to take a mere composition that the landlord should get the whole of his rent less the statutory reduction the Bankruptcy Judge may think fit to allow. I cannot understand these assertions concerning equality in bankruptcy. I should like to know why these Irish tenants are not now to get from this House the treatment the Scotch tenants got last year? I think the most extraordinary assertion I have ever heard from the hon. Gentleman the Chief Secretary for Ireland was the last assertion of his. He said that the tenant's credit is absolutely set up by this clause, because it gives the tenant the highest inducement to pay the shopkeeper. What inducement has he to do that? The shopkeeper will not give credit at all; and, therefore, I do not understand how the right hon. Gentleman can argue that, because the shopkeeper is now or may be compelled to take a composition, there is an inducement to the tenant to pay the shopkeeper, and that it sets up the credit of the tenant. I cannot conceive that such an argument can be supported for an instant, and I beg that some Gentleman on the Government Bench will explain why one measure of justice is to be dealt out to the Scotch tenants and another measure of justice to the Irish tenants.

MR. FLYNN (Cork, N.): The Amendment under consideration raises the whole question of the policy of the Government in Ireland with regard to rent and arrears of rent. The hon. Gentleman the Member for South Kilkenny (Mr. Chance) has put a question to the Government they find it impossible to answer; and that is why the Scotch crofters should be treated better in regard to arrears than the Irish tenants? In my judgment, this Amendment raises the whole question as to whether the Government are prepared in this clause to back up the landlords in the assertion of their full rights, or whether they are really in earnest in offering some temporary concession—some substantial alleviation—to the tenants. The right hon. Gentleman the Chief Secretary for Ireland has asserted that in regard to the recovery of debts in Ireland, the tenants give preference to the shopkeepers, and postpone the payments to the landlords. Such a statement is opposed to the experience of every Irish Member who sits upon these Benches. One of the most constant complaints of my constituents, and of traders and shopkeepers generally, is the impossibility of recovering their debts. The most exorbitant rents are paid even in these very bad times, and the claims of shopkeepers are either postponed altogether, or a very small portion of them paid. The Government distinctly refuse to face the issue which has been raised in Ireland by the inclement seasons of the past few years. First of all, they sought to take temporary shelter in the Bankruptcy Clauses. These clauses they have now withdrawn, and they take shelter in certain provisions of the present clause; but look the difficulty straight in the face the Government will not do. We warn them that the only way in which happiness may be secured to Ireland, in which it will be possible for the tenantry of the country to get through the difficulties of the present time, is by a frank admission of the actual state of things. If there is one fact more notorious than another in connection with the Royal Commission, is it not that Commissioner after Commissioner under the Land Act of 1881 came before the Cowper Commission and proved that the rents they had fixed were rents which it was now impossible for the tenants to pay, and that they all agreed that they did not anticipate, when they fixed the judicial rents three, four, or five years ago, anything like the fall in the prices of agricultural produce which has taken place, and which has prevailed since the early portion of 1885. What does that go to prove? Why that a large number of the tenant farmers of Ireland, not alone leaseholders, but judicial renters, are labouring under a heavy rent, and a lot of arrears of rent, which it is impossible for them to pay, and that no amount of ingenuity on the part of the County Court Judge will be of any service to them to relieve them from their burdens. What avail is it to a tenant, who is struggling under a heavy rent, and who, in addition to that, has a large amount of arrears hanging round his neck—what possible advantage is it to him that the County Court Judge, recognizing that his rent is heavy and impossible for him to pay, and that he is largely in arrear, should spread the payment of the amount of the arrears, acknowledged to be excessive, over a greater or lesser period? I look with extreme and jealous suspicion at the action of the Government in placing their Amendment on the Paper. In the clause, as it stood when the Bill was first introduced, we had none of these provisions dragging in the general trader. In deference to pressure which they could not resist, they are willing to forego the Bankruptcy Clauses; but by the side wind of these Amendments which are placed by the Government on the Notice Paper, they work towards the very same end; and, under these circumstances, I, for my part, speaking on behalf of my constituents, should be sorry to accept the responsibility of this Bill if this clause is retained unamended. I maintain that this provision will not tend to the pacification of Ireland, and that it will not tend to a settlement of the agricultural difficulties. We have every right to look to the support of the Liberal Unionists in this matter. They are fond of asserting that they wish this Bill should be of some solid value to the tenants of Ireland; this Amendment raises the question in a naked and palpable form, and we certainly ask the support of Liberal Unionists upon the Amendment before the Chair—an Amendment which has been introduced by one of the most eminent Members of their own Party. I trust that if they value their reputation for consistency, if there be anything in their profession to make this Bill a solid reality, they will support the Amendment of the hon. and learned Gentleman the Member for Inverness.

Mr. LEA (Londonderry, S.): I do not wish to press the Government unduly, nor do I wish to prolong the discussion which has been already somewhat prolonged; but I do ask the Government to consider the present position for one minute. The Government have passed a number of clauses in this Bill which I believe will do what they pretend to do. The Government have stated that one of the chief objects of this Bill is to render impossible unjust and unnecessary evictions. This 22nd clause is the clause to which we look, because we have already been given to understand by the right hon. Gentleman the Chief Secretary that the Bankruptcy Clauses will not be proceeded with. If this clause is the only clause which stands in the way of unjust and unnecessary evictions, will it do what the Government believe it will do? If the Government will tell me this clause will prevent unjust and unnecessary evictions I shall be quite satisfied; but it seems to me, as far as I am able to judge, that it will not do anything of the kind. We are quite aware that there are a large number of tenants in Ireland who have been paying high rents. They have been afraid to go into the Land Court, because they were in arrear. Your Bill does nothing to deal with arrears, and if it is passed as it is, how will it affect the tenants in arrear? You say you will spread the payment of arrears over a large number of years; but that will only be another addition to the present high rent, and it will not get rid of the arrears. We heard from hon. Members below the Gangway, during the discussion of a previous clause, that there are 10,000 or 15,000 ejectments now waiting to be issued in Ireland. If these 10,000 ejectments—I take the lower figure—are sent forth under the 4th clause, will this clause prevent unnecessary and unjust evictions? It is evident there are unjust rents being demanded in Ireland, and that there are arrears in respect of these rents, and yet your clause does not deal with them. I ask the Government to consider this Amendment seriously, and say whether it is not possible to introduce some provision to prevent unjust evictions.

The PARLIAMENTARY UNDER SECRETARY for IRELAND (Colonel King-Harman) (Kent, Isle of Thanet): I only rise to reply to an observation which fell from the hon. Gentleman the Member for North Donegal (Mr. O'Doherty) and the hon. Gentleman the Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor), that it is the custom of the Irish tenants to pay the landlords in preference to the shopkeepers. I acknowledge that such used to be the custom; but let me remind the Committee that the custom has been different since the preaching of the Land League has been that the shopkeepers should be paid first. [*Cheers from the Irish Benches.*] That cheer is the strongest reason why the Government should insist upon this clause.

MR. T. C. HARRINGTON (Dublin, Harbour): My hon. Friends who have interfered in this debate did not for one moment try to lead the House to believe that they themselves or the Irish farmers would prefer that the claims of the Irish landlords should be paid before those of the Irish shopkeepers; but they stated what was the result throughout the whole country, and anyone having any acquaintance with the country must admit that, whether you take the individual farmer or a whole district—the individual farmer is more deeply indebted to the shopkeeper than he is to his landlord—whether you take the case of the individual farmer or of a whole district of farmers, there is more money due to the shopkeeper than to the landlord. That is a fact which is beyond dispute. I am truly astonished at the manner in which the right hon. Gentleman the Chief Secretary for Ireland has endeavoured to place the landlords and the shopkeepers in the same position in regard to this clause. The Bill has its origin in the fact that rents have been too high; and if it be true that the Predecessor of the right hon. Gentleman endeavoured to bring pressure within the law to bear on the Irish landlords, and that that induced the reasonable among the Irish landlords to settle with their tenants and make fair terms with them, is it because others resisted that pressure, and because others were unreasonable, that the doctrine is preached that the shopkeeper is to come down to the same level as an unreasonable landlord? There is no excuse for your Bill if you do not admit that the rents have been unreasonable and exorbitant; and if the rents have been unreasonable and exorbitant, is the unfortunate shopkeeper, who has been supporting the farmers in pursuance of some very strange principle of equity, to be called upon to accept less than he is entitled to, in order that in making abatements the landlord will have to suffer a smaller abatement than he otherwise would suffer? The debts due to other creditors are to be adjusted in order that the landlord may get a larger margin of his arrears than he would otherwise be entitled to get. I say that I regard it as a vicious and dangerous principle that because a small proportion of arrears—and, after all, it is not a very large proportion —is due to a small and an unreasonable, and, on the showing of the Government themselves, an unworthy class of Irish landlords, you should for the first time propose in this Bill that debts, the justice of which cannot be disputed—the debts owing to the shopkeepers—are to be made the subject of inquiry in Court, and that the shopkeeper is to receive a smaller amount than he is justly entitled to. I think Parliament will be setting a very dangerous example if it votes with the Government in introducing this principle, because we do not know how far the principle will yet go. I should prefer that the Irish tenant was made to bear the burden of his arrears, and to fight the matter out in the ordinary way, rather than teach him and others the dangerous doctrine which will be taught by leading him to believe that this Parliament is going to readjust the debts he owes to every tradesman.

MR. T. W. RUSSELL: I venture to make a last appeal to the Government. They seem to insist upon the debt to the shopkeeper and the rent to the landlord standing in the same category. How can they maintain that contention in the face of the fact that they have absolutely consented to a revision of the judicial rents? I want to know what the public will say to a contention like that. I believe this clause to be one of the most important in the Bill, and I believe it might be of great good and great benefit to the people of Ireland; but if the hopeless question of arrears is left unsettled, as it will be if the Government maintain their present position, they might almost as well write the clause out of the Bill.

MR. DILLON: It is true, as the right hon. and gallant Gentleman the Parliamentary Under Secretary for Ireland (Colonel King-Harman) has just announced, that we do advise the people of Ireland to pay their debts to the shopkeepers before they pay rack-rents to the landlords. We have always given that advice. I have advised the tenants to pay what is just to the landlords, and I defy any hon. Member to point to a speech of mine in the opposite direction. But I regret to say that while that is perfectly true, it is equally true that the tenantry of Ireland have not taken our advice. They have, in a certain sense, defrauded their other creditors under a system of terrorism in order to meet their debts to the landlords, because the landlords rushed to the front and were enabled to threaten the tenants with eviction from their land and with extermination, while the shopkeepers had their tills full of decrees, bills, and notes of hand, which they have never been able to turn to account. What is the situation now? We have during the whole course of the discussions upon this Bill looked forward to the 22nd clause in a spirit of hopefulness. We have pointed out from the beginning that, while it was true that the 1st clause promised to confer considerable benefits on a large section of the people of Ireland, the clause to which the Government and all of us were bound to look to more than any other clause of the Bill for the pacification of Ireland and the preservation of public order was the 22nd clause, if equitably and wisely enlarged. Does anyone suppose that the disturbances in Ireland lately came chiefly from the leaseholders of Ireland? Everybody knows the contrary. The leaseholders have always been law-abiding people. They have not yet been ruined, although they have been driven to the verge of bankruptcy. They are still holding out, but the disturbances which have occurred in Ireland in recent times have not come in any considerable proportion from the leaseholders. While a great act of justice will be done by the operation of the 1st clause, the peace of Ireland in future depends not upon the operation of the 1st clause, but upon the relief which we supposed we might expect from the operation of the 22nd clause. If amended in such a way as to achieve the objects the Government always said they regarded as essential in this Bill, what is the position with which we are face to face? The Bankruptcy Clauses have been thrown overboard by the Government. They were thrown overboard in a speech in which there was a certain minatory tone. I accept our responsibility in the matter. The Bankruptcy Clauses had not a friend in the whole of Ireland—indeed, I have never known the people of Ireland so unanimous on any one subject as upon that plan of redress. The evil which the Bankruptcy Clauses aimed at remedying, and the remedying of which is the main purpose of this Bill, was not reached at all. Let me say that after the discussion which has just taken place I am absolutely indifferent as to whether the 22nd clause passes or not. Many of my hon. Friends around me take this view. They object to the 22nd clause, and they desire to divide against it. I am doubtful whether it would be wise to go quite so far as that; but this I will say—that when the tenantry of Ireland come to ask me, as they will do in hundreds and thousands, on my return to Ireland—when they come to consult me as to whether the 22nd clause will give them protection, I shall say—"Do not avail yourselves of it—it will put you to great cost and give you no relief." The 22nd clause, to most tenants, will remain an absolutely dead letter; it affords no prospect or hope of relief as it stands to the very class of tenants who are in arrear. It is hardly fair to use the word "arrear." This clause affords no prospect of relief whatever. In the course of discussion the other night the right hon. Gentleman the Chief Secretary for Ireland directed my attention to an Amendment which he has put on the Paper, and which I find is numbered 57. I admitted at once that that Amendment was an important Amendment; but the right hon. Gentleman will recollect I said it was important if the 22nd clause was so amended as to afford any real protection to the Irish tenants, inasmuch as the proposition in this 57th Amendment is to apply the benefit and protection of the 22nd clause to those large classes of tenants against whom judgments have been obtained before this Act was put into force. What is the case now? It is no use applying the benefit and protection of the 22nd clause, because that clause affords no benefit or protection whatever. That is the condition of things with which we are brought face to face. Now, Sir, it is really a very serious question what this Committee ought to do. This Bill was introduced with a great flourish of trumpets, and all parties in the House seemed anxious to give it as fair consideration as possible. We have progressed up to this with our hopes fixed on the 22nd clause. No one can assert that the tone adopted by us, or by any others, has been hostile to the Bill. We have supposed and hoped that when we reached this clause the Government, being made aware, as they must have been made aware in the course of the discussion, that the Bankruptcy Clauses were utterly unacceptable to any class of people in Ireland, would put on the Paper such Amendments to the 22nd clause as would afford us some hope that this clause would carry out the objects aimed at in the Bankruptcy Clauses. But nothing has been done. We are nearing the end of the discussion upon the Bill, and the classes of tenants in Ireland to benefit whom the Government at the outset announced this Bill was chiefly introduced are left absolutely without any protection whatever. I ask the right hon. Gentleman the Chief Secretary to consider this matter seriously. I speak advisedly on behalf of my hon. Friends when I say that the most moderate man amongst us is of opinion that the clause is absolutely valueless. Some of my hon. Friends consider that in its present shape it is positively mischievous, inasmuch as it will delude the tenant, and induce him to go into Court and search for the remedy where no remedy is to be found. So far as I am concerned it will be my duty in case no further Amendment is introduced into this clause, to warn the tenantry of Ireland that for the great majority of them, and for those who are in most trouble, this Bill is no more nor less than a delusion and a snare, and that they must trust in the future for protection to precisely the same methods they have adopted hitherto.

Lord RANDOLPH CHURCHILL (Paddington, S.): The discussion which has been raised by this Amendment is very analogous to the discussion which has occupied the attention of the Committee almost since the commencement of these proceedings. I have listened with the greatest possible attention to all the discussion that went on up to nearly 8 o'clock, and I quite admit that the question at issue is one of exceeding difficulty, on which it would be, at any rate, imprudent for any Member in this House to dogmatize as to the absolute right or wrong of the various contending parties in this discussion. I regret rather the extreme tone which the hon. Member for East Mayo (Mr. Dillon) has assumed. I think he has rather introduced an unnecessarily extreme tone into the discussion; and though I have not been present during the recent discussion upon this Amendment, yet, having been present before the dinner hour, I can say there was nothing in the attitude or the argument of the Government to lead me to suppose the Government were not in an open and reasonable frame of mind. They admit that this Amendment is a very important Amendment. I do not think you can exaggerate the importance of it. It may be said—"Oh, this Bill is a purely temporary Bill, and a flaw here or a defect there on a minor point does not matter, because a larger Bill is going to be introduced which is to deal comprehensively, wisely, and profoundly with the Irish Land Question by means of converting dual ownership into single ownership." I cannot allow my mind to be affected by an argument of that kind. I therefore wish to treat this Bill as, to all intents and purposes, a permanent Bill. I cannot treat it on the supposition that it is to be supplanted by another Bill. I know the vicissitudes of Parliamentary life, and the vicissitudes of a Ministry. I know the impossibility for any Minister at the present day to see into the future further than the length of his nose. When I get a practical proposal before the House of Commons for giving relief to some of the most distressed tenantry of Ireland, I like to treat the Bill as one which, so far as we know, is not to be supplanted by another Bill, and as a Bill which will practically relieve difficulties in Ireland. Therefore, as far as this Amendment is concerned, I treat it as if it were to make an imperfect Bill a more or less perfect Bill. That being so, what is the Amendment? It is an Amendment proposed by a leading Member of the Liberal Unionist Party, a Member not only leading as a politician, but distinguished for his legal mind. He has, after deliberation and consultation with his friends, after consultation with those whose advice he values, and, no doubt, with their consent, put down an Amendment which radically extends the operation of Clause 22. Now, I frankly confess to the Committee that when I spoke on the second reading of this Bill I had a mistaken notion of the operation of Clause 22. I thought that it provided for the composition of arrears of rent.

I was interrupted by an hon. Gentleman, and then I saw I had made a mistake, and I endeavoured to save myself by dwelling upon the importance of the power remaining in the hands of the County Court Judge to spread the arrears over a great portion of time. That I consider a most valuable power, a power more valuable than the hon. Gentleman the Member for East Mayo (Mr. Dillon) seems inclined to suppose. In the discussions on this Bill, in which I have taken part very rarely indeed, I have had two objects only in view—one was to save time, and the other was to make the Bill, if possible, a practical Bill. I have no other object in regard to this Amendment, and I frankly confess that I do think that the composition of arrears is a matter which ought to be in the hands of the County Court Judge. Is it not the theory of the whole thing? The Government have admitted, and rightly admitted, after consideration, that the rents which were fixed some time ago were too high, and that they must be revised—revised obviously with a view to reduction. Very well, is it not also the case that almost every tenant in Ireland who seeks relief under this clause will be in arrear. I do not suppose that ever an eviction takes place in Ireland merely for the rent of the current year. In the case of every eviction which takes place there is always a greater or lesser amount of arrears. This clause is intended to operate against harsh and unreasonable evictions. Now, the rent fixed two years ago was too high. Is that not admitted? I think the Government will admit it. Then, why argue about differences which do not exist? If the rent fixed two years ago was too high, it was too high at the time it was fixed, and the reduction which you propose to apply to the rent now ought clearly to operate retrospectively on the arrears which may have accrued under the original rent. That is a fair argument. But if you do not allow the Court to have power, as it were, to compose the arrears on a basis of the fall of prices, which you admit the Commissioners did not take into account at the time they fixed the rent, and which came into operation almost immediately after they had fixed the rent, are you not interposing some unnecessary and enormous obstacle in the way of the reception of your clause by the tenants? As far as I can make out the Government do not meet this question quite face to face. They have met the arguments addressed from the opposite Benches as to the necessity of removing from the hands of the landlord the power of proceeding against the tenant by *fieri facias* by saying—"We will apply it to all. We will apply it to the shopkeeper, and to the money lender, as well as to the landlord;" and then they go on, logically enough—and here I cannot argue against them if they push the argument further — and themselves say—"We will deal with the power of composing arrears in this matter, and, as we have placed the landlord and the creditor on an equality in regard to the recovery of rent, so we will place them on an equality in regard to composition." I admit I should have an insuperable difficulty in arguing against them on that point; but the whole position of the Government seems to rest on a fundamental misconception of the relations between the two Parties. I voted for the Government in the Division which took place before dinner, because I did not consider it my duty to vote against them; and I thought it more decent and reasonable to assume that probably they were right. But I fear you have a dilemma coming up in a very awkward and difficult form. The mistake the Government make is that they treat the landlord as if he were a creditor of the tenant, and that, being a creditor of the tenant, they have put him on the same footing as other creditors, the tradesman, the money-lender, or the banker, or whoever it may be. It is wrong to look upon the landlord as a creditor of the tenant. The landlord is the partner of the tenant. The whole policy of the Act of 1881 was to regulate the relations between two partners in a concern, one the active and the other the sleeping partner. The Act of 1881 failed to regulate these relations satisfactorily; and you are here to-night, not to deal between landlord and tenant as debtor and creditor; you are here to-night to amend the dealing of the Land Act of 1881, in endeavouring, as that Act did, to regulate the relations between the active and the sleeping partner. You have admitted the dual ownership of the land. You have admitted it to such an extent that you say you must bring in an enormous

Bill to put an end to it. I do not disagree with you, though I should like to know whether you have counted with the Party behind you in the matter; but, however, that is your business, and not mine. What I have to say is this. Can you deny that the dual ownership of the land of Ireland has been your difficulty, and is your difficulty now, and that dual ownership means two partners, and that two partners means that you must adjust, owing to the distress of Ireland, the relations between those partners? Can you call the tradesman, or the banker, or the money-lender a partner of the tenant? Can you say for a moment that the man who has advanced his money to the tenant; can you say that the banker who has kept the Irish tenants in certain districts going for years; can you say that the tradesman who has supplied meal which has kept the tenant alive, and out of the sale of which he has not necessarily made an exorbitant profit—can you put any of these persons in the same position as a person, who, by your legislation, you admit to be a partner? That seems to me the fallacy, if I am not going too far in ascribing fallacy to any position the Government take up—that appears to me the fallacy which underlies the argument of the Government. What is the position?—and I really think the right hon. Gentleman the Chief Secretary, in spite of his intuition, will find some difficulty in getting over the point if he tries to meet it fairly, and not to travesty it, and misrepresent and distort it. What is the position in regard to *fieri facias?* You have placed the landlord and the ordinary creditor on an equality, and there, I think, you have gone wrong—not seriously wrong, but to some extent wrong. At any rate, you have endeavoured to conserve the interest of the tenant in his holding. Now we come to another point—to the question of the capital amount of debt. Is it absolutely necessary to pursue the argument which you apply to *fieri facias* in regard to these principal classes of debt? I think not—I think you must make a clear and broad distinction. You must admit that a reduction of rent which you say is necessary now should operate in the same extent retrospectively. Obviously there is no parallel between a particular tradesman who sold goods two years ago, whether the goods took the form of meal, or meat, or anything else, and the landlord. The tradesman did not sell the goods unjustly, and there was no suspicion of injustice about the matter, and nothing you can bring forward now can throw any suspicion upon the transaction, either directly or indirectly. By your Bill you admit that, as to rent, a certain amount of injustice exists. Does not the Government think that that is a clear and logical position; and, bearing in mind always that this is a point of enormous importance, that they have gone a long way in the path of concession, and gone a long way in that path in a manner for which the House of Commons and the public are disposed to give them credit, no discredit would result to the Government if they logically and prudently followed out the concession to its reasonable limits. You have here a clause which I thought was the most valuable clause of the Bill when I read it first. There are imperfections in that clause. I will not speak dogmatically on the point, but it is of vital importance to you, as a Government, in your government of Ireland, to remove the imperfections in this clause. I have shown you, I think, the manner in which you can fairly meet the differences which exist in the classes of debt which have been mentioned. If the Government can see their way, if they cannot accept the Amendment, to allow the Amendment to be withdrawn, and take the whole matter once more into their anxious consideration, I cannot help thinking that they will expedite, in the most satisfactory manner, the proceedings of the Committee, and possibly remove a blot from the effective operation of the Bill which may make the Bill a serious and even a disastrous failure.

Mr. JOSEPH CHAMBERLAIN (Birmingham, W.): The noble Lord the Member for South Paddington has not told the Committee how he intends to vote upon this Amendment.

Lord RANDOLPH CHURCHILL: I shall vote with the Government.

Mr. JOSEPH CHAMBERLAIN: I confess I did not come to that conclusion from the speech of the noble Lord. I thought the noble Lord intended to support the Amendment, and upon that I was going to point out to him that the greater part of his speech was against the Amendment, because the Amendment of my hon. and learned Friend the Member for Inverness (Mr. Finlay) is that in all cases that are brought under the equitable jurisdiction of the Court, the Court is to have power to make a reduction in the amount; and, consequently, the Amendment of my hon. and learned Friend applies equally to the debts to the landlord and to the debts to other creditors, and as a great part of the argument of the noble Lord was against putting the debts to other creditors upon the same footing as the debts to the landlord, I confess the noble Lord left me in great doubt as to how he was going to vote. I confess I am rather surprised that this question as to the parity of the landlord and other creditors should be raised at all in this discussion, because that matter was raised previously on the second reading; and I certainly thought there was a general agreement, on the part of the Irish Members at all events, that whatever was done with regard to the debt of the landlord should be done also with regard to the debts of the other creditors. [*Cries of* "No, no!"] Well, I do not think I am mistaken, because it has been sufficiently made manifest in the course of this discussion. This renders it extremely difficult for those who are desirous of meeting the views of the Irish Members—when they find that, having made statements from this side of the House without contradiction, when one comes to put this concession into form, then a new opposition starts up of which no indication was given in the previous stages of the discussion. What happened before I have already stated, but I will repeat it to the Committee. The noble Lord the First Lord of the Admiralty (Lord George Hamilton) was speaking on this question, and he pointed out the importance which, in the minds of the Government, was attached to putting the two classes of creditors on the same footing. Thereupon the hon. and learned Member for North Longford (Mr. T. M. Healy) said—"That is what we ourselves proposed to do, but you rejected it." The hon. Member for Cork (Mr. Maurice Healy), the brother of the hon. and learned Member for North Longford, explained to-day that what the hon. and learned Member for North Longford said was nothing of the kind; but I must really leave him to settle the matter with his hon. and learned Relative. All I know is that when the noble Lord, on the part of the Government, put forward the suggestion that the two classes of creditors should be placed on the same footing, the hon. and learned Member for North Longford interrupted, and said—"That is what we wanted to do." Very well, if the hon. and learned Member for North Longford fairly replied for Irish Members in saying that, then I must say it appears to me to be hardly in accordance with the agreement which we all understood to have been arrived at for hon. Gentlemen to say now—"You must make a distinction between the ordinary creditor and the landlord. You must treat the landlord as a creditor for an unjust debt, and treat the other persons as in a totally different position." The noble Lord the Member for South Paddington has also attempted to make this distinction, and what I would venture to submit to him is this—that that is an entirely new doctrine in regard to debtors. It is now for the first time that any attempt is made in the case of an insolvent debtor to put the debt of the landlord in a worse position than that of any other creditor. I confess that I entertain rather radical notions on these subjects, and I have always thought that the debt of the landlord was put in too favourable a position; but, at all events, until this discussion in the House of Commons, no one has ever pretended that the debt of the landlord ought to be in a worse position, or ought to be treated differently to the debt of any other person. And when a man is insolvent, and unable to pay, the only method by which he has been hitherto relieved has been by a relief that applies equally to all classes of the creditors. I want to ask the Committee to consider what is our position with regard to the relief promised to the tenants of Ireland. In this Clause 22 it is proposed that if the tenant is unable to pay from causes which are not due to his own misconduct, the County Court Judge is to have the power of staying execution for an indefinite period; but the County Court Judge is to have no power to lessen the amount of the debt. He must order the whole debt to be paid, but he can spread the payments over an indefinite period. Now, let us assume the case of a debt which is an unfair debt which has resulted from an unfair and unjust rent. What is the County Court Judge to do in that case? He wants to give the tenant relief; the tenant wants relief; and the only way the County Court Judge can give it is by making the instalments insignificant in amount, and spreading them over an indefinite period of years. Surely that is a rather ridiculous position in which to put a legal authority. Surely it would be much better that he should be enabled to proceed in a simpler fashion. In the case I have mentioned, where the tenant is unable to pay his debt it is ridiculous that the relief given to him should take the form, say, of requiring him to pay 1*s.* a-year, spread over a period of 100 years, or something of that kind. If the County Court Judge did his duty in that respect—that is to say, gave the tenant the relief which he really deserved, the effect would be to bring the law into contempt, because it would be ridiculous for him to make such an order as 1*s.* a-year, spread over 100 years. Therefore we are in this dilemma—either that the County Court Judge must insist on payments which are not fair under the circumstances named, or he must make an order which is ridiculous, and which would bring the Court into contempt. I ask the attention of the right hon. Gentleman the Chief Secretary for Ireland to this argument. As the Bill was introduced, the Government, I think, had an answer to the argument I was laying before them, because they could say that they had provided an alternative. They could say—"In cases in which the rent is unfair, and in which a greater relief than the mere stay of execution that payment by instalments is required, we have provided an efficient form of bankruptcy relief, and have authorized the County Court Judge to make a composition and to impose that composition upon the landlord and tenant." Well, but under these Bankruptcy Clauses not only do they impose this composition upon the landlord, but they take into consideration the other debts of the tenants, and impose *pari passu* similar conditions on the other creditors. I have always held that the principle of these Bankruptcy Clauses was good. I still believe—and I say it with all deference—that some day or other the Irish Members will regret that they did not give a more favourable reception to those clauses. I admit that as they appear in the Bill they are defective—I admit that there are two objections to them—one a sentimental objection, that you fix a stigma on the insolvent tenant which *ex hypotheci* he does not deserve, the other objection, which is a more serious one, being that under the particular course proposed in the Bill the proceedings in bankruptcy would be so complicated and difficult that practically it would afford no real relief at all, but would involve the tenant in the costs of litigation more oppressive than the debt itself. All that might have been corrected if hon. Members had been able to regard these clauses with more favour. It might have been possible to have adopted a simpler form of procedure. However, I will not argue that matter; the clauses have been unpopular. They have had very few friends, and it seems now that they are to be dropped by the Government. But then I would ask the Government not to give up their object and intention—I would ask them to see if they could not transfer the equitable jurisdiction to another part of the Bill, so as to give the advantage which the Bankruptcy Clauses confer on the tenant. Let us see how that can be done. If you are going to give up the Bankruptcy Clauses it seems to me to follow almost as a matter of course that you must transfer to Clause 22 the power to make a composition as regards arrears of rent. In cases in which I believe these arrears are due on account of an unfair rent levied or demanded over a considerable period of time, or even in cases where they are not due to an unfair rent, but to the unfortunate circumstances of the tenant who finds himself in an insolvent position, it appears to me to be right, and in accordance with the principle laid down by the Government themselves, that you should give to the Court the power of compounding for these arrears. If the Government can see their way to accept the Amendment of my hon. and learned Friend the Member for Inverness they will get that to which they and I attach the greatest amount of importance. I have received a considerable amount of correspondence from poor tenants in the South of Ireland in regard to this Bill. [*Laughter.*] Well, hon. Members below the Gangway would be surprised if they could see the genuine letters that have come to me from the poorer class of tenants living in that part of Ireland, who believe that I have some power to protect them and put their cases before the House. In much of that correspondence this has been impressed upon me very strongly; indeed, with all the force of practical illustration taken from the experience of the tenants themselves; they have said—"What is the good of relieving us from the burden of our debts to the landlords if we are to be left burdened with other debts?" They say—"Some of the general debts which we owe cannot be defended; they are as inequitable as any debts to the landlord which ever existed, and we are so overburdened that if you only relieve us from our debts to the landlord we shall fall an easy prey to the usurer." They say—"Cannot something be done to relieve us of other debts on equitable terms at the same time that those of the landlord are dealt with?" It seems to me that that object can be secured by the acceptance of the Amendment of my hon. and learned Friend. Under that Amendment every debt would be brought under the operation of this clause—every debt would come under the equitable jurisdiction of the Court, and if the County Court Judge saw that there was a case in which the tenant was hopelessly insolvent he would do what is done under similar circumstances in England when a small debtor comes before the County Court Judge in an insolvent state, with liabilities to the extent of about £50, or thereabouts—that is to say, he would look into the state of his affairs, and would make an order for him to pay such a sum as he could be reasonably expected to pay, and having done that, the tenant would receive relief without having fixed upon him the stigma of bankruptcy, which is so much objected to by hon. Gentlemen below the Gangway. The County Court Judge in this way would be able to assist the tenant by giving him a new start in life, against the other creditors as well as against the landlord. I hope that, at all events, I made clear my feeling in pressing upon the Government the acceptance of this Amendment of my hon. and learned Friend. I think that it carries out absolutely and entirely the intention and object of the Government, as it has hitherto been declared to the House from the Front Bench opposite. I quite understand that if it really were to be contended on the part of the Irish Members for the first time to-night, and in opposition to what I consider was the understanding arrived at by the Committee on a previous occasion, that other creditors were to be specially protected, and that the gombeen man was to have the shield of the Nationalist Party thrown over him, and that the landlords were to be mulcted for the benefit of the usurer—I say I can, under those circumstances, understand the Government refusing the Amendment; but that is not the effect of the Amendment before the Committee. The effect of it is to put all creditors on the same footing; and, under the circumstances, I sincerely hope the Government will see their way to accept it.

Mr. A. J. BALFOUR: Though I do not entirely accept the conclusions of the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain), I almost entirely agree with his reasons. If he had been present during the whole of the evening—and, of course, I do not blame him for not being here the whole evening, for I take it that hardly anyone besides those who are absolutely obliged to be here spend the whole day in their places—he would have known, when this matter came on for discussion, that a proposal came before the Committee dealing with the very point which is now raised. If he had been here during the hours of 8 o'clock to 10 o'clock, he would have heard an answer given to the hon. Member for Cork (Mr. Parnell), expressing, on behalf of the Government, no particular adhesion to the term "bankruptcy," or to the particular clauses embodying or providing for bankruptcy which now stand in the Bill. He would have known that I stated I was perfectly ready to accept a simpler machinery, and a more direct mode of procedure, if anyone would be good enough to suggest it to me. I confess I still cherish the hope that if such proposal can be accepted by hon. Members below the Gangway opposite, some modification might be made in Clause 24 which would carry out the object which the right hon. Gentleman opposite has in view, and to which the Government have more than once professed their adhesion. But if the right hon. Gentleman had been in the House during the speech made by the hon. Member for Cork (Mr. Parnell), about an hour ago, he would have known that the hon. Member distinctly, and in the name of his Party, put his foot down, and declared his intention, not merely of resisting the Bankruptcy Clauses which we propose, but any form of bankruptcy whatever, or anything that would place the landlord on the same footing as the other creditors. It was because he made that declaration, as I understood it, in the most explicit terms, that I thought it not worth while exercising our ingenuity or spending our time in endeavouring to devise a more simple and expeditious and convenient method of carrying out the principle embodied in the 23rd and 24th clauses. The right hon. Gentleman seems to be of opinion, as I am, that it would be well to relieve the Irish tenants of the load of debt under which they at present struggle, and that such relief should be given to the tenant equally against one creditor as against another. If he had been present during the whole discussion, however, I think he would have seen that that object could not be adequately carried out by the Amendment before the Committee, because the inevitable result of that Amendment would be that the creditor whom the tenant does not desire to be first would be obliged to go before the Court first, and the Court would be obliged to consider the tenant's liability to that creditor in isolation from all his other liabilities. The result of that would be that the composition which the County Court Judge would lay down would inevitably fall most heavily on the creditor compelled by the circumstances of the case to go first before the County Court Judge. Now, Sir, I turn for a moment from the speech of the right hon. Gentleman to whom we have just listened to the speech of my noble Friend the Member for South Paddington (Lord Randolph Churchill), who preceded him; and I confess I listened to his speech, and to the views my noble Friend laid before the Committee with his usual force, with some surprise. I felt considerable surprise when I recollected that my noble Friend, not many weeks ago, came down and criticized the Government, not in a spirit of severe hostility, but still criticized the Government, for what he considered their laxity of action in dealing with the case of Bodyke; and when I remember that on that occasion he expressed certain doctrines in relation to landlord and tenant which I thought indicated that he held what I may describe as the highest Tory doctrine on the subject—[Lord RANDOLPH CHURCHILL dissented.]—I certainly understood my noble Friend as expressing those doctrines. I certainly understood him to say that the State should not be allowed to interfere in these matters, and that the particular landlord in question was so equitable and generous in his treatment of his tenantry that he was peculiarly one who ought to be treated with consideration by those people.

LORD RANDOLPH CHURCHILL: I am sure my right hon. Friend does not wish to misrepresent me. I drew the broadest possible distinction between the action of the Government *qua* the Executive and their action *qua* the Legislature. I said that if the law is wrong it should be altered, but that as long as it remains the law it should be executed at all costs.

MR. A. J. BALFOUR: At any rate, my noble Friend gave us no hint of that kind, and his views were so far advanced that he not only thought that judicial rents in the future, but also arrears in the past, should be cut down by the action of the Courts. My noble Friend went on to say that this Bill must be considered as a permanent addition to the law, and that the Land Purchase Bill is in the dim and distant future. He said that few know when it will be brought in, and that still fewer know when it will be passed, and that, therefore, we ought to frame this Bill on the lines of a perfect measure. But my noble Friend happened to be in the House at the time when the hon. Gentleman the Member for the City of Cork (Mr. Parnell) got up and suggested that this plan of cutting down arrears should be limited to three years. I fail to see how the noble Lord could have described this measure, which those who are most in favour of it are ready to limit to three years, as a permanent addition to the Statute Book.

MR. PARNELL: I suggested that it should be limited to arrears antecedent to the passing of the Bill.

MR. A. J. BALFOUR: In other words, that, instead of placing a single limit to the proposal suggested, he was prepared to place two. My noble Friend went on to say—Is the Government not guilty of a great fallacy in placing the debt to the landlord upon an equality with the other debts of the tenant? I understand that that doctrine has been distinctly repudiated by the right hon. Gentleman the Member for West Birmingham; but the right hon. Gentleman did not go into the grounds on which my noble Friend bases this strange and abnormal doctrine. It is that landlords and tenants in Ireland, at this moment, are not to be treated as in the relation of debtors and creditors, but are to be treated as in the relation of partners; and the noble Lord founded that view on the Land Act of 1881. I should have thought that if there was one doctrine more plainly apparent on the face of the Land Act of 1881 than another it was that the landlord was the creditor of the tenant, and was a creditor especially secured—that he was a creditor who had had given to him by the Act of 1881 a special lien upon the tenant right then granted. We said to the landlords in 1881 — "You are asked to give up your rights which you have so largely held in the land, but you are not asked to give them up without compensation, and that compensation is that your debts from the tenant should be secured by the tenant right, which is the property of the tenant." And can it be maintained that under that Statute the landlord and tenant are in partnership, and are together opposed to the outside creditors? Is it not obvious that the landlord is a large creditor, and a creditor who should, according to the principle of the Act of 1881, be treated with the utmost deference and consideration by this House?

MR. CHANCE: Dual ownership!

MR. A. J. BALFOUR: Dual ownership is a most abnormal position, whereas partnership is not. If I were to seek in the commercial world a relationship parallel to this extraordinary relationship which exists between the landlord and the tenant in Ireland, I should say that the landlord is in the position of a debenture-holder with regard to the ordinary shareholders of a Company. Comparing the position of the Irish landlord with that of the debenture-holder in a Company, I should say that he, like the other, is a secured creditor. Undoubtedly the landlord, under the Act of 1881—it may have been right or wrong; it may have been just or unjust—is in the position with regard to his tenant that the debenture-holder is in regard to the ordinary shareholder of a Company. I do not wish to detain the Committee any longer, and as I have spoken for some time I will not review the observations of the hon. Member for East Mayo (Mr. Dillon). I will merely ask the Committee to consider the position in which the Government are placed in this matter. We have done two things in deference to the opinion of the Committee. We have closed the "back door," as it is called, and we have agreed to a temporary abatement of judicial rents. What is the result of making these very large concessions which everybody must admit to be very large concessions? Why, both of them are used against the Government as arguments for concessions, of still greater magnitude. If the arguments of the hon. and learned Member for Inverness (Mr. Finlay) and the hon. Member for South Tyrone (Mr. T. W. Russell) are all the reward the Government get for making the concessions they have made, I do not see what object we have to gain by making concessions. We lay down principles in our Bill which we hold to be just, logical, and self-consistent. Then, in deference to the expressed opinion of hon. Gentlemen in this House we have made modifications and alterations in our principles. The inconsistency, however slight it may be, thus introduced into our measure, meets with no other gratitude on the part of the hon. Gentlemen who have pressed for those alterations than their using it as a new argument in support of their demand for further and larger concessions. I cannot help thinking that hon. Gentlemen will see that they are unduly pressing the Government, especially if they take into consideration the circumstance that the Government have to-night expressed their readiness to consider any proposals with regard to bankruptcy, and to omit that offensive word, if hon. Members desire it to be omitted. I think the Committee will feel that the Government have gone as far as they can go in this matter, and that, in whatever future criticism the Bill may be subjected to, it cannot be said that the Government have shown themselves deaf to the arguments which have reached them from the various quarters of the House. I hope I have not detained the Committee too long, and I trust we may now be allowed to proceed to a Division.

Mr. PARNELL: The right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen), in the debate on the Motion to go into Committee on this Bill, when I claimed, after the concessions announced by the Government in reference to re-adjustment of rents, that this point of arrears that we are now discussing should be considered, did not in reply to me take the same line that the right hon. Gentleman the Chief Secretary for Ireland has now taken towards us when we recur to the point and ask that this question of arrears should be dealt with. On that occasion the right hon. Gentleman the Chancellor of the Exchequer was all affability and smiles. He complimented us on our moderation, and compared us favourably with the right hon Gentleman the Member for Derby (Sir William Harcourt), and he said that he would consider most carefully the recommendations which I had ventured to make upon the subject. I certainly thought the speech of the right hon. Gentleman the Chancellor of the Exchequer, in allusion to my recommendation, would have brought us in something better than the taunts of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant, when he abuses us for having dared to ask for an extension of the provisions and concessions made by the Government.

Mr. A. J. BALFOUR: I made no taunt against the hon. Gentleman.

Mr. PARNELL: The right hon. Gentleman taunted us generally, and I thought I was included with my hon. Friends. I certainly do not want to stand on any other footing than that upon which my hon. Friends stand on this question, and I do not think I do stand on any other footing. I have joined with them in arguing these concessions upon the Government; and if my hon. Friends are to be taunted with asking for further concessions from the Government after their prior concessions, then I also have to be taunted with the same. But, Sir, I do not admit that the right hon. Gentleman has given an accurate description or a full description of what took place in Committee during the absence of the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain). The right hon. Gentleman the Chief Secretary met us in this way. I accepted on the part of my hon. Friends the proposal of the Government that both classes of creditors should be treated alike—the landlords and the shopkeepers. The clause dealing with them gives power to the Court to spread the debts over easy instalments, and to give time for repayment. We desired that a debt, whether it be to the shopkeeper or to the landlord, may be reduced by the Court, if the Court thinks it desirable to do so. The right hon. Gentleman the Chief Secretary says—"The only method by which we are willing that this debt should be reduced is by the method of bankruptcy." The right hon. Gentleman is willing that the method should be called by any other name we please; doubtless he thinks that a rose will smell as sweet by any other name. Probably it will, but there we are at issue. We do not see how, under this clause, it is possible for the Government to adopt any modification of their Bankruptcy Clauses, in the first place; and, in the second place, we object to compelling creditors to come into Court and submitting themselves to this general hodge-podge, if they do not desire to do so, and if they are not pressing the tenant for payment of their debts. We say, why not leave as creditors the landlords on the one side and the shopkeepers on other? If one class of creditors desire to refrain from proceeding, why not let them alone? Why, when the landlord presses a tenant, should you compel the shopkeeper to press him also? No critical state of affairs has arisen in Ireland owing to the action of the tradesmen and shopkeepers. The crisis has arisen wholly in respect of the action of the landlords. Therefore, why, under the bankruptcy provision, should you seek to compel all creditors to press a tenant in order that the claims of all may be equally reduced? There is no sense in such a course. If the tenant is able to agree with his other creditors without the action of the Court, why should there be any action of the Court? And that is where we stand. We do not see why there should be any necessity for the remodelling of the Bankruptcy Clauses to deal with this case. We say that if the Amendment of my hon. and learned Friend the Member for Inverness (Mr. Finlay) is accepted, the crisis in question can be efficiently dealt with under the present clause, and that the remodelling of the Bankruptcy Clauses, even if called by some other name, is neither necessary, expedient, nor just. Therefore I would entreat the Government to reconsider this matter. I would entreat them to consider that they are plainly risking the success of the whole Bill, as a measure of peace and a measure of justice to Ireland, by persisting in their absurd refusal to consider this question of arrears in the only manner in which it is now possible to do at this period of the Session. If you reject the Amendment of the hon. and learned Member for Inverness the last chance will be gone, and you will put the tenants face to face with a load of arrears which will do a great deal to render this Bill useless and of no value to a large portion of the tenants. As one who desires that the Bill should be put into such a shape as that it will work out its purpose effectually, and as one who desires to see the Irish tenants use this Bill when passed, and as one who desires to see this Bill passed as a means of bridging over the interval between now and the time at which the Government may be able to introduce their permanent measure dealing with the land in Ireland, I would entreat them to pause before going to a Division, and to consider very seriously the proposals that are made. If they can adopt the Amendment of the hon. and learned Member for Inverness, to the effect that all classes of creditors should be put on the same footing in respect to the operation of this clause, and if the clause is so drafted as to give the Court power to reduce the amount of debt, then I should hope that they will be holding out to the Committee some prospect of a satisfactory settlement of the question.

LORD RANDOLPH CHURCHILL: I wish to offer a few words of personal explanation. I do not wish to pursue the arguments of the right hon. Gentleman the Chief Secretary any further. I have ventured to say my say, the right hon. Gentleman has said his, and there it is. I have nothing to complain of in the action he has taken; but I wish to offer a personal explanation, and to notice a characteristic sneer which fell from the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain). The right hon. Gentleman said he could not understand from the remarks I made the way I was going to vote. The right hon. Gentleman evidently does not understand the process of differing from one's Party and yet supporting it. What I would say is this—that on this question of the Irish land I hold certain opinions which I have ventured—I hope with moderation—to press very rarely—I think only three times—on Her Majesty's Government. Even if the Government have not altogether agreed with those opinions I have pressed upon them, I do not think it necessary to assume that the Government are entirely wrong, or that I am infallibly right, which is a process of argument which is probably adopted by the right hon. Gentleman the Member for West Birmingham for corresponding purposes. While, on the whole, I adhere to my view of the case, and while I believe that the Government would, perhaps, not have done unwisely in making some advances to those who have advocated this Amendment, if the Government go to a Division I see no reason why I should hold that they are absolutely wrong, and I see nothing inconsistent in supporting them after the remarks I have made, not in a dictatorial but in a pleading manner.

MR. JOSEPH CHAMBERLAIN: I rise for the purpose of saying one word by way of personal explanation. I can assure the noble Lord the Member for South Paddington that he does me great injustice in supposing that I intended to sneer at anything he said. I admired very much the ability of his discourse, and I was completely under a misapprehension as to the course which he intended to take. I said that I did not know which way he was going to vote, meaning by that that he had not stated in so many words exactly what his course would be; but I confess that I thought he was going to vote, as I am going to vote, for the Amendment of my hon. and learned Friend the Member for Inverness. I only make that explanation in order that there may be no misapprehension on the part of the noble Lord. I certainly had no idea of taunting him, nor of sneering at him. I am rather glad that this incident has occurred, inasmuch as it has enabled the noble Lord to pay me a compliment; and I can assure him that, coming from him, I very much value it. The noble Lord says that I, at all events, am not one of those who differ from their Party and yet support it; neither am I one of those who speak one way and vote another.

Mr. HALDANE (Haddington): Notwithstanding the appeal of the right hon. Gentleman the Chief Secretary, I do not apologize for standing for a few moments between the Committee and a Division. I consider the question now under discussion is beyond all controversy the most important question we have considered in the course of these debates. I had myself on the Paper a clause which I intended to move dealing with this subject. The fate of that clause will be settled by the result of this Division; and, therefore, I venture to say a few words while the matter is before the Committee. The object of the Amendment now before the Committee is an obvious one. The Bill we are now discussing is essentially a machinery Bill. It is a Bill the intention of which is to extend and improve the machinery of the Act of 1881. I do not know what may be in the minds of right hon. Gentlemen sitting on the Front Bench opposite; but I venture to say that the Bill was never intended to be anything else. Had it been contemplated to go back even in the smallest particle on the principles laid down in the Act of 1881, the Bill would have met with the strongest opposition on this side of the House. The noble Lord the Member for South Paddington (Lord Randolph Churchill) spoke of the relations between landlords and tenants, and spoke of them generally and not merely in connection with Ireland. The right hon. Gentleman the Chief Secretary spoke of those relations as similar to those existing between a debenture holder and the other shareholders of a company. I will not follow the example of the right hon. Gentleman—I will not banish the principles of political economy to the regions of Jupiter and Saturn in the way he has done in making so astounding a suggestion. If there is anything well established and well ascertained with regard to rent it is that it ought to be measured by the fertility of the soil, if it is to be a proper economic rent, and that was laid down as a principle in the Act of 1881.

Mr. A. J. BALFOUR: The position of the landlord and tenant under the Act of 1881 is a matter with which I had nothing to do.

Mr. HALDANE: In our view, at all events, and in the view of the Party opposite, the object of the Act of 1881 was to restore the relations between landlord and tenant, and to put them on a sound economic basis. The object of the Act was to fix fair rents and to provide that the rents paid by the Irish tenants should not be those up to that time extorted by absentee landlords under an anomalous condition of things, which would have led to nothing short of a revolution in Ireland had it continued. The object of the Act was to ascertain such rent as the soil was capable of bearing—such economic rent as would represent the fertility of the soil. That was the purpose of the Act of 1881. I do not think that object was carried out quite perfectly. The period of 15 years laid down as the time during which there should be no revision of rents was too long a period. The object was to fix fair rents, and the reason why such an interval was allowed to elapse was that it was believed that it would save litigation, and would prevent the recurrence of evils previously experienced in connection with the land. That was why that particular machinery was adopted. But that machinery has broken down. The principle remains, however, and it is not the principle we want to amend, but the machinery. We want to fix a fair rent, and such rent as will apply from time to time, and represent the actual value of the land as it would be ascertained if the relationship between landlord and tenant in Ireland were on a parallel with the relationship between landlord and tenant on a well-arranged estate in this country. There is a vicious confusion in the proposal of the Government to put debts and rents upon the same footing. If the Amendment stood as it was originally proposed it would have related to the land and to the land only, and because I look on rent in Ireland as differing from every ordinary kind of debt—as something which is determined independently of the cost of production and measured by the special fertility of the soil, I should have thought it was proper that rent should be treated on a different footing from other debts. That is the view of the hon. and learned Gentleman who has moved the Amendment, and that is the view of those who support him. The proposal of the Government when first brought forward was free from this vicious confusion which has since been introduced into it. What are we to choose—the Bankruptcy Clauses, or the Amendment of my hon. and learned Friend? For my part, I do not hesitate as to the choice I should make. Bankruptcy is an evil expedient, and, the Amendment presenting a preferable alternative, I shall have no hesitation in supporting it.

Mr. FINLAY: I desire to say a few words of explanation before the Division is taken on the Amendment. I should be very sorry if any argument which had been used could give ground for what the right hon. Gentleman the Chief Secretary for Ireland has said about unduly pressing the Government and asking for concessions in consequence of those which have already been made. I should be sorry to adopt such a course as was pointed out by the right hon. Gentleman. I am perfectly sensible of the generous course the Government have followed in the interests of the tenantry of Ireland. I believe they are very desirous of doing what is right, and I should be ashamed to use any of the concessions that they made for the purpose of extracting further concessions of which they could not approve. I would remind the right hon. Gentleman that the Amendment we are discussing was put down upon the Paper before any of the concessions of which he reminds us were made. When this Amendment was put down the section related only to proceedings by the landlords for the recovery of rent, and when I put down this Amendment it was intended to deal with the question of the arrears of rent, and with that question only. It is owing to what has taken place only this evening—to the introduction of other creditors into this part of the Bill—that the Amendment will have accidentally a wider application than I originally intended when I put it down. I regret the course taken earlier in the evening when other creditors were brought into the discussion, and it seems to me that we are now experiencing some of the embarrassment which has followed from that course. But on that point I am ready to consider that, certainly, I may be mistaken; but what I desire to point out is this—that when this Amendment was put down it was intended to apply to those cases in which it was proposed to give power to reduce payments by instalments, and I understand that these lines, from 10 to 13, to which I have called the attention of the Committee, are to be continued in a peculiar manner by an Amendment the Government propose to introduce. Those lines are so important that I would ask hon. Members to read them once more. I understand the Government intend to retain those lines and to apply them to the one case of an action for ejectment on the part of the landlord for the non-payment of rent, and what I would respectfully press upon the Government is this. I am sensible of the difficulties which may attach to the application of such an Amendment as that now under discussion to the claims of all creditors; but I do not see—I confess I am utterly unable to see—what objection there is to giving power to reduce the total amount in cases where it is intended that power should be given to reduce payment by instalment. I would respectfully press upon the consideration of the Government whether it is not possible, to this extent, to accept the principle of the Amendment before the Committee? When it was set down it was intended to meet the case of arrears of rent only, and I think it should be adopted in that sense. The modified proposal which the Government propose to press will, in my opinion, to a great extent, counteract the operation of this Bill.

The Marquess of HARTINGTON (Lancashire, Rossendale): I regret very much that I was not present during the whole discussion on this important and rather difficult question, and I certainly do not feel competent to enter at all into the discussion of the merits of the debate. As, however, there appears to be some difference of opinion between those with whom I am generally in the habit of acting and myself, I think I am bound to say one word as to the reason for the vote which I am about to give. It is perfectly true that this Amendment has been put down by my hon. and learned Friend the Member for Inverness (Mr. Finlay) with my concurrence and the concurrence of those with whom he usually acts, but it was put down as one of a series of Amendments before we were aware of the course the Government were going to take in Committee on this Bill, and one of a series of Amendments which, in our opinion, would tend greatly to improve the provisions and utility of the Bill. Well, Sir, it is admitted on all hands that the Government have gone a long way to meet those Amendments and the spirit in which they are framed; in fact the Government agree to a compromise in which very much of what I and my hon. Friends contended for when the Amendment was put down is embodied. I feel bound, speaking for myself, to treat this matter as essentially one calling for compromise, and it would not appear altogether fair on our part to require the Government, after going so far as they have done in the direction of meeting us, to accept every Amendment we thought it necessary to put down. I do not know what the opinion of hon. Members below the Gangway might be with reference to a compromise, but my idea of a compromise is not that either party should insist on all they originally ask for. It appears to me that this clause as amended would effect all we require. I have heard my hon. Friend the Member for South Tyrone (Mr. T. W. Russell) both in the House and I believe out of the House, say that the clause as it originally stood when the Bill came from the Lords would do all that was necessary for the protection of the tenant as regarded what was called the "front door," but would leave the "back door" open. I consider that the back door has now been effectually closed. The clause purports to give to the Court a power to stay evictions, and does not purport to make any final or complete settlement of all the claims outstanding between the landlord and the tenant. It does not claim to be more than a temporary measure. The clause has been made to accord completely with what we required, and I do not think we are entitled to ask that it should be made to do what it never professed to do. Now, it is said that after the Amendments which have been adopted, the acceptance of my hon. and learned Friend's Amendment would be a fair substitute for the Bankruptcy Clauses. I understand the contention of the Government to be that the acceptance of the Amendment of my hon. and learned Friend would be the acceptance of bankruptcy, but without the machinery by which it might be carried into effect. What would happen, it is said, would be that the principle of bankruptcy would be applied, not to all the creditors, but to the landlord and two or three creditors who might come before the Court in respect of their debts; and that the whole liability of the tenant would not be taken into consideration. I do not know whether the Committee is well advised in altogether rejecting the principle of bankruptcy, but it does not appear unreasonable for the Government to say that they are willing to adopt the principle of bankruptcy, if it can be wholly and fully applied, but that they are not disposed to accept the principle of bankruptcy against the landlord and one set of creditors, or one or two creditors only.

Mr. T. P. O'CONNOR (Liverpool, Scotland): We, in this quarter of the House where I sit, are not surprised that the noble Marquess should take up a better and a more thorough Tory position than any Gentleman on the opposite side; but I must express my surprise that, as the noble Marquess is a much better Tory than many of the Gentlemen on the other side of the House, he has not the decency to sit on that side of the House.

Dr. CLARK (Caithness): The noble Marquess has said that the noble Lord the Member for South Paddington (Lord Randolph Churchill) has suggested something which has never been before the House; but the fact is, that the Government of which the noble Marquess was a Member introduced a Bill which was exactly on the lines of that proposed by the noble Lord the Member for South Paddington. Under the 6th section of the Crofters Act, passed last year, the landlord is placed exactly in the position in which the Amendment before the Committee would place him. Under that Act the tenant may apply, once in six years, to reduce the debt due to the landlord for arrears of rent without applying to reduce the debts of other creditors. That was part of the Bill of last year. The Chief Secretary for Ireland, who was then leading his Party in respect to that Bill, supported the Government in the measure, and I would now ask him why he did not apply, under the same circumstances, the same principle to the Irish tenant farmers in arrear with their rack-rents. The landlord in Ireland stands in a different position from other creditors. He has a right to distrain for one year's rent, and therefore he is not in the same position as other creditors.

Question put.

The Committee *divided*:—Ayes 140; Noes 199: Majority 59.—(Div. List, No. 339.) [12.5 A.M.]

Amendment proposed, in page 15, line 8, to leave out the words "ought to be granted."—(*Mr. John Morley.*)

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived.*

Amendment proposed,

In page 15, line 9, after the words "of the judgment of the court," to insert the words "in such ejectment, or, in case of an ordinary judgment, may put a stay upon the execution of a writ of *fieri facias* as against the tenant's interest in the holding."—(*Mr. A. J. Balfour.*)

Question proposed, "That those words be there inserted."

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I wish to move, by way of addition to the Amendment, the insertion of words to the effect which I have already suggested—that of securing to the tenant that he should not have taken away from him the implements by which he works his holding. With this view, I would insert, at the end of the Amendment, words importing that property necessary for the profitable working of the holding shall be protected against the execution of the writ of *fi. fa.* These words are taken from the 25th clause, where they are applied after bankruptcy. It appears to me clear that if it is proposed to give this indulgence in case of bankruptcy much more should it be given under this clause, by which a temporary protection is given to the tenant, so that he may work his holding and pay his debts. It is a farce to give a man this protection for his tenant-right if you take away all the implements of his holding—the plough, the seeds, and the other things by which he is to work that holding. I propose, therefore, to add, at the end of the proposed Amendment, the words "and such property as may be necessary for the proper working of the holding."

Dr. Clark

Amendment proposed to the proposed Amendment, at end, to add, "and such property as may be necessary for the proper working of the holding."—(*Sir George Campbell.*)

Question proposed, "That these words be added to the proposed Amendment."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): This Amendment is similar to one placed on the paper earlier; and I think the hon. Gentleman must see that the Government cannot accept it. The clause, as originally drawn, applied only to ejectments for rent; but it was said that this might be evaded by the landlord, who might attain the same result by having recourse to the circuitous process of suing out a writ of *fieri facias* for rent, and then seizing the tenant's interest in the holding. That was the difficulty which we have endeavoured to meet by the insertion of the proposed Amendment in Clause 22. But it would not be right to restrain the execution of a writ of *fieri facias* as against the general assets of a creditor. I would call the attention of the hon. Gentleman to the enormous difficulty attending a provision directing that a *fieri facias* should not be executed against the general assets of the tenant. He will see that the Sheriff cannot possibly be in a situation to judge what assets he should or should not seize. The County Court Judge would have to tell him—"You must not seize such a crop of hay, or such implements, and so on. But that is a matter which the County Court Judge cannot enter into. He cannot warn the Sheriff, as an officer of the Court, not to execute the writ. The provision which the hon. Gentleman proposes cannot, therefore, be introduced as an Amendment to this clause. It would require a special enactment.

SIR GEORGE CAMPBELL: I do not see that. I do not propose to stay execution against the general assets of the creditor. What I propose is to draw a distinction between general assets and those implements which are necessary to the working of the holding. If it is difficult to draw a distinction between different classes of assets, the Government are responsible, because they have introduced the words into another clause. It is really a simple matter. If the tenant is to be maintained in his holding, it seems necessary that he should be maintained in possession of the implements necessary thereto.

Question put, and *negatived.*

Proposed Amendment *agreed to.*

Amendment proposed, in page 15, line 10, after the word "may," to insert the words "in any such ejectment."—(*Mr. A. J. Balfour.*)

Question proposed, "That those words be there inserted."

SIR GEORGE CAMPBELL: Do I understand that the Government have, or have not, accepted words which are to apply to all ejectments, or any words applying to particular cases of ejectment?

MR. GIBSON: The explanation was given earlier in the evening. I then said that a judgment must be entered against all assets. It would be an unheard-of thing that a judgment should be enforceable against all assets, but should only be payable by instalments against a particular asset. I think the object in view is attained by providing that there shall be a general stay of execution against the holding.

Question put, and *agreed to.*

MR. JOHN MORLEY (Newcastle-upon-Tyne): I propose, in page 15, line 13, to leave out from the word "Provided" to the end of the sub-section. I propose the omission of these words on the ground that they fetter the discretion of the Court, and overload the clause with words.

Amendment proposed, in page 15, line 13, to leave out from the word "Provided," to end of the sub-section.—(*Mr. John Morley.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): These words are an indication to the Court. I think they tend to make it clearer to the Court what is to be done; and, therefore, I think that under the circumstances it would be better to retain them.

Amendment, by leave, *withdrawn.*

MR. O'DOHERTY (Donegal, N.) proposed, as an Amendment, in page 15, line 18, after "section," to insert the words—

"Unless the tenant before the rising of the Court accepts the offer, or such modifications thereof as the Court may think right."

Amendment proposed,

In page 15, line 18, after the word "section," insert the words, "unless the tenant before the rising of the Court accept the offer, or such modification thereof as the Court may think right."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I would point out that if this Amendment were adopted, one offer might be made in Court and refused; and then the landlord, thinking the matter settled, might go home. I would suggest that instead of adopting this Amendment the word "refuses" should be substituted for "has refused" in line 17.

Amendment, by leave, *withdrawn.*

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, the following Amendment made:—In page 15, line 17, leave out the words, "has refused," and insert in lieu thereof the word "refuses."

MR. JOHN MORLEY (Newcastle-upon-Tyne): I now propose, in page 15, line 31, to leave out from "held" to the end of the sub-section. In the original Bill the clause was meant to apply to every holding under £50. As the clause is now drawn, what was formerly every holding is changed to the aggregate holding, and if the aggregate does not exceed £50, then only the clause applies. This introduces a new restriction, on which the Government, at an earlier stage, did not insist, and in which, I hope, that they will not insist now.

Amendment proposed, in page 15, line 31, to leave out from the word "held" to the end of the sub-section.—(*Mr. John Morley.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I think the right hon. Gentleman is perfectly accurate in saying that this was not the original form in which the Bill was drafted; but I think the present form is better than the old form. In all previous Irish Acts, whenever a limit is put, it applies to the aggregate holding. It was so in the Arrears Act, and in the Act of 1870. If the right hon. Gentleman looks at Clause 12 of the Act of 1870 he will find this to be the case, and I think that it is founded on a principle of justice. The provision is in its nature of an eleemosynary character, and therefore your action should be founded on the condition of the tenant. That is denoted by the aggregate holding of the tenant, and not by the size of one particular holding.

Mr. JOHN MORLEY: The change is not merely formal, but is one of substance. The same reason which originally induced the Government to depart from the alleged precedents would still hold good.

Amendment, by leave, *withdrawn.*

On the Motion of Mr. A. J. Balfour, the following Amendment made:—In page 15, at end, add—

"(4.) This section shall apply to judgments in ejectment for non-payment of rent, or for debt or damages recovered but not executed before the passing of this Act against the tenant of such holding as aforesaid.

"When any such judgment for non-payment of rent so recovered shall be executed against any such tenant as aforesaid, the court may, notwithstanding such execution, within three months after the passing of this Act, in like manner and under like conditions, and subject to like terms as to instalments and otherwise, make an order setting aside such execution, staying the further execution of such judgment, and, if necessary, restoring the tenant to the possession of the holding.

"In case of any judgment for debt or damages so recovered against such tenant, the same shall not be executed against the tenant's interest in his holding without the leave of the court, within the like period."

Mr. DILLON (Mayo, E.): The Amendment which has been placed upon the Paper by my hon. Friend (Mr. James O'Brien) I have been requested to state the object of. The object of the Amendment is to extend the benefits of this clause to those who have been evicted for non-payment of rent before the passing of this Act, and who had, at the time of the eviction, an interest in the holding of greater value than the rent and arrears then due. My hon. Friend does not, however, see any use in extending the operation of the clause, and, consequently, he does not propose to move it.

Amendment, by leave, *withdrawn.*

Mr. A. J. Balfour

Question proposed, "That the Clause, as amended, be added to the Bill."

Mr. DILLON: Before we part company with this clause, I think it only right to say that the news of our proceedings here to-night will be received in Ireland with dismay. The hopes of the people of Ireland have been fixed on this 22nd clause. I myself, and other Nationalist Members of Ireland, have induced the people of Ireland to look forward with hopeful expectation in regard to our proceedings in respect of this clause, and it never entered into my mind for a moment to suppose the Government would have adopted the course they have adopted. I beg to say that the hopes of the people of Ireland will, by the course you have adopted here to-day, be utterly dashed to the ground, and they will find themselves in exactly the same position in which they were in before this Bill was introduced, with the solitary exception of those covered by the 1st clause. I would ask the Committee this question, were we right or were we wrong when we declined to assent to the passing of the 4th clause, on the ground that cruel evictions should be as public as possible? At that time we were referred to the 22nd clause, and the course of the Government when trying to oil and smooth the passage of the 4th clause was such as, I confess, to entirely deceive myself; I did think, though we had a Conservative Government, that at last they were alive to the condition of things in Ireland, and were going to make an effort to relieve our unfortunate country. But now we have come to the end of this Bill, practically speaking, and the Government have got their 4th clause, a clause of coercion, and a fresh instrument of oppression to the people of Ireland; they have got through this House a clause to enable them to carry out evictions in the dark, and they got that under false pretences, by assuring the House and the Committee that it was to be followed by a full protection for the tenants of Ireland; and now, at the end of the Bill, we find there is no protection to be afforded to the tenantry of Ireland. What is the prospect of that class, to save whom this Bill was specially supposed to be introduced, the class who are threatened with immediate evictions? Who can be evicted in the coming winter? Not the leaseholders, and the people who can pay rent; these are not the people who are evicted month by month and week by week, these are not the people who are to be attacked in the dark, and away from public opinion. The people for whose benefit this Bill was supposed to be introduced, the people who are in danger within the next nine months of harsh evictions, are the tenants who are more or less in arrear of rent. I cannot estimate accurately what their number may be, but I have on more than one occasion guessed, and I think my words will not be found to have been exaggerated, that in Ireland there are at least 10,000 decrees of ejectment out, and that there are a large number of farms in danger of being sold under *fi. fa.* And there are at least from 20,000 to 30,000 who are not in a position to meet their arrears of rent. What do you propose to do for these tenants, what prospect have they under this Bill? I have read the 22nd clause carefully, and I think the time has come for the Government really to believe that we who speak for the National Party in Ireland know something of the condition of things there. I did my best to convey to the Government that I would deal frankly and honestly with any measure that they brought forward. When I go back to Ireland and am asked, as I shall be, by the tenants what protection is given them under the 22nd clause of this Bill, I shall be bound, in common honesty, to tell them that Clause 22 offers them no shadow or shade of a hope. What will be the condition of affairs? We will go home to Ireland with the Coercion Act in one hand and with no protection in the other, and be bound to take our position side by side with the tenants, and do the best we can to assist them in their combination to protect themselves. What protection or hope have the tenants to expect? What you propose to do is this—to enable the tenant against whom the landlord is proceeding for an excessive rent, and arrears he cannot pay, if he comes under this clause you propose, if the landlord proceeds by ejectment or *fi. fa.*, that a stay shall be put to the ejectment, and the arrears of rent can be ordered to be paid by instalments. We know very well how those instalments will be ordered. We have heard a great deal of talk of spreading out these arrears and paying them at 1*s.* a-year. It would take 100 years to pay them in that way, and it is all moonshine, because there is no doubt that the arrears will be divided into two or three instalments. We know what was done by the County Court Judge in Kerry; he spread out the instalments by ordering one to be paid in two months, another in a month, and so on; and, to a tenantry whose utmost exertions were taxed to meet the accruing rent, it would be impossible to meet the instalments that would fall due in a few months. You might just as well tell them to take down the moon, and therefore the clause is a perfect mockery to the tenants. It will be our duty to warn the tenants of what will be their fate if they attempt to go into Court looking for benefits that will turn out worse than nothing when they have got them. But look at the other point of view. The Government talk of having shut the back door against eviction. They have done nothing of the sort, and they spoke on the point with their usual ignorance of Irish matters. I listened to the speeches of the noble Marquess (the Marquess of Hartington) who, as the Leader of the Unionist Party, is in the habit of coming down, after his festivities, which I hope he enjoys—[*Cries of* "Order!"] I said nothing disrespectful of the noble Marquess; but he is in the habit of coming down and telling us that the Government have done all that is required to meet the necessities of the Irish tenantry. Does the noble Marquess assume that he has a right to speak on behalf of the Irish tenantry; that he is entitled to inform the Committee what will satisfy or meet the necessities of the tenantry of Ireland? There is not a man in Ireland who is less qualified to speak on behalf of the tenantry, or to state what are their necessities. I regard the noble Marquess as the enemy of the Irish people, but as an open and honourable enemy; but he has no right to stand up as an Irish landlord of large estates and large rent, and say that because this clause does what he wishes, that the Irish tenants are to be satisfied. The question is, does the clause afford protection to the Irish tenantry, not to satisfy the noble Marquess, but to afford a real protection? I have pointed out what protection it affords in the way of ejectment. The method of ejectment was becoming less frequent as a procedure by the Irish landlord to recover rent, and in regard to a writ of *fi. fa.* there may be a stay of execution; but that is really no good, as it only postpones the evil day, and you will have the tenant evicted at the end of six months, because you give him no hope whatever of ever becoming a solvent man again or of retaining his home. All this time the landlord has his remedy, as well as every other person, he has his remedy against the crops and against the capital of the tenant. And what has been one of the most effective means by which the rack-renting landlord has tortured the tenantry during the last winter? They endeavoured to tear away from them the small modicum of stock that remained to them; and everyone knows that the land is of no use when a man is left bare and destitute of all stock. Therefore, it is that I say this clause gives no protection whatever; and it would be well for the Government to realize what they are doing before they entirely shut the door to hope. Let me now say, in reply to the Irish Chief Secretary, that he adopted a most extraordinary tone in his speech to-night. He spoke of us taking advantage of concessions made by the Government to demand further concessions. Anyone would suppose the right hon. Gentleman was putting his hand in his pocket and doling out charity. What have we done from the outset of these discussions? We have endeavoured to put before the Government what we considered the smallest measure that would bring protection to the people; we have spoken what we believed to be the actual facts, in unmistakable language, from beginning to end; and, therefore, how does it lie in the mouth of a Minister to taunt us with asking for further concessions for the tenantry of Ireland? They are not concessions in the sense in which he used the word, they are rights; and we have done nothing but to lay before the Government what we believed to be the smallest measure of protection which would enable and justify us in advising the Irish tenants to abandon the methods of combination, and trust to the protection of the Court. The Bill affords us no assistance; and it will be our painful duty to advise the people, that if the Bill is not amended and altered very much, that they can get no protection in the Land Courts, and that we must continue to maintain the system of combination we have hitherto adopted.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): There is much I regretted in the speech of the hon. Member who has just sat down. What I regret most is the attack upon the Government. He accused us, for the third or fourth time to-night, of deceiving the Committee, and proceeding with this Bill under false pretences. No charge was ever made with less foundation. He speaks of the Government having given pledges and promises that we were going to accept the Amendment suggested by the hon. Member for Cork on the 4th clause; but no syllable that fell from the Government can be contorted or twisted into any promise or pledge of that kind. The Amendments we proposed to move we put upon the Paper in a perfectly frank spirit. The manner in which we intended to deal with those 10,000 pending cases of eviction to which the hon. Member has alluded we also put down upon the Paper. The method of dealing with the back door was also placed upon the Paper; and there is not the shadow of a shade of excuse for the accusations of the hon. Member in regard to the clause. I regret the hon. Member has thought fit, at the present stage, to accuse the Government not merely of all the vices he is in the habit of showering upon the Irish Executive, but of the further vice of attempting to deceive the Committee of this House. The hon. Gentleman has told us once more that no remedy would be derived from this clause; but I cannot imagine by what process of reasoning, however highly coloured by Party prejudice, the hon. Gentleman arrived at that conclusion.

MR. DILLON: The right hon. Gentleman has slightly misrepresented what I said. What I said was that no hope of protection was afforded by this clause to the Irish tenantry.

MR. A. J. BALFOUR: He means in regard to arrears of rent.

MR. DILLON: Yes.

MR. A. J. BALFOUR: I do not accept the version of the hon. Member as to the Bill, or of the 22nd clause as it at present stands. He has not estimated what a blessing this clause will be. He talks as if the sole and solid effect will be to stay evictions for a time and to distribute arrears over a certain period of time. That would be one effect, and I think a salutary effect; but, in my opinion, it would not be the greatest or the most salutary effect. If this clause works, as I believe it will, it will be the most potent instrument yet devised by the Legislature for inducing landlords and tenants to come to some agreement with each other. I fully believe the operation of this clause in the hands of the County Court Judges will be to convince such unreasonable landlords as there may be—and there are some—to convince them that the best course for their own interests is to come speedily to some equitable arrangement; and, therefore, this clause, taken by itself, apart from the 1st clause and all other clauses, in my opinion, will confer great benefits to the tenants of Ireland. When the hon. Member accuses us of bringing this forward for the landlords of Ireland, I ask the hon. Gentleman to recollect it is not by our will, or, on any account, with our wish, that the Bankruptcy Clauses are dropped from the Bill. We had provided what we considered a remedy, and it was at the will of his Friends and himself that these clauses were dropped. The hon. Gentleman has not even held the faintest hope, if we could devise another and cheaper proceeding, and one which did not offend against the prejudices of the Irish tenants—he has not held out to us the faintest hope they would allow such a clause to pass without endless discussion, and therefore it is upon him and his Friends will rest the responsibility of having compelled us to pass this Bill in its maimed form, and without affording further relief for the indebtedness of Irish tenants who may at this moment suffer. I have one word further to say, to supplement my remarks, by telling the Committee the part of the hon. Gentleman's speech I regretted most was not the attack upon the Irish Government, but that part of his speech in which he allowed us to see, not in violent, but still not in ambiguous language, that he meant to leave the discussion on this Bill, and go to his countrymen in Ireland and use that great influence he undoubtedly possesses to induce them to see in this Bill no greater remedy than the darkened vision of the hon. Gentleman enables him to see in it, to prejudice, in so far as he can, the whole tenantry of Ireland against the Bill; and, if he can, to render nugatory in Ireland a Bill which his action in the House has done much to maim. I regret the speech of the hon. Member; but nevertheless we think he has been mistaken in the prophecy he has made with regard to the Bill. I believe, in spite of all that may be done in this Committee, in spite of all that may be done in the future by the oratory of himself and his Friends to prejudice Irish public opinion against it. I believe it will prove a message of peace to Ireland at the present, and of incalculable good in the future.

Mr. T. P. O'CONNOR (Liverpool, Scotland): I must say I have listened to the speech of the right hon. Gentleman, and I have been surprised at it; and I do not think I ever heard a more astonishing speech from the Treasury Bench. He complains that the action of my hon. Friend (Mr. Dillon) will render the operation of the Bill nugatory; but what is his own description of the Bill?—he calls it a maimed Bill.

Mr. A. J. BALFOUR: By the omission of the Bankruptcy Clauses.

Mr. T. P. O'CONNOR: I will go step by step, and I will presently go into that point. I satisfy myself now by accentuating this fact—that the right hon. Gentleman describes this great message of peace, this final fact of reconciliation between landlord and tenant in Ireland, as a maimed Bill, and that is a Bill my hon. Friend need take no pains to render nugatory. The Bill stands condemned by the right hon. Gentleman's own description of it, it is the epitaph pronounced upon the Bill by its own father and sponsor. The right hon. Gentleman says we are responsible for it; but is not that an extraordinary position to take up? The right hon. Gentleman admits the ills, but expresses his regret there is no remedy, and then turns round and says—"We proposed a remedy and you would not accept it;" and because Members of an Opposition did not accept that particular form of remedy, he says the Executive officers thought themselves liberated from the duty of finding any remedy for existing ills. I never heard a more astonishing or unconstitutional position than that in my life. I do not know who is the unhappy author of the Bankruptcy Clauses, whether the right hon. Gentleman the Chief Secretary or the right hon. Gentleman the

Member for West Birmingham (Mr. J. Chamberlain); but I think they ought to owe their paternity to the right hon. Gentleman, for they have the same unhappy fate of all his attemps at constructive legislation. Of the authorship I cannot therefore say, but what I can say is that it was not us who killed the Bankruptcy Clauses—they committed suicide. The fact was, the moment they were proposed, a universal chorus of condemnation rose against them from all classes and all sections, who pronounced the strongest and most convincing condemnation upon them. It was not from these Benches, it was from the noble Lord the Member for South Paddington (Lord Randolph Churchill) that the *coup de grâce* came to those clauses, and anyone who heard his remarks must have felt the Bankruptcy Clauses were dead past all surgery and all resurrection, and therefore the Bankruptcy Clauses, dead as they are, owed their death, not to us only, but to the universal condemnation pronounced by all sensible men except those on the Treasury Bench and the unhappy Gentlemen on the Front Opposition Bench. The fact remains that the tenantry of Ireland are left unprotected; those who were to get a full measure of complete justice are now presented with what the author of the Bill calls a maimed measure of justice. In the face of these facts what is to become of the tenantry of Ireland? The right hon. Gentleman says this measure would lead to compromise between landlords and tenants; but how will it? The right hon. Gentleman has asserted that so often as to make people think that reiterated assertion amounted to absolute proof; but I want the right hon. Gentleman to tell us what inducement is there for compromise between landlord and tenant. The landlord still can recover all arrears, and there is no inducement to compromise when he can go for the whole. For my part, I must say I think the language of my hon. Friend the Member for East Mayo was not too strong, and, as to responsibility, the right hon. Gentleman will find out who will have to bear the responsibility before many months are over. It was the last solitary chance for the Government of dealing with the Irish tenants in a reasonable and just spirit. They have thrown away that chance, and we must leave with them the responsibility of their conduct.

Colonel SAUNDERSON (Armagh, N.): We are now approaching the end of the discussion on Clause 22, and I, for one, am not at all surprised at the line taken by hon. Gentlemen below the Gangway. I do not believe for a moment they wish this Bill to succeed in pacifying Ireland. The Committee must remember the opinions that have been uttered and the statements that have been made in Ireland by Members of that Party; and from those opinions uttered, from those statements made, we are led to believe that no measure passed by this House, which would satisfy the requirements of justice, could possibly satisfy hon. Gentlemen below the Gangway. They have expressed their opinion that there is only one solution——

The CHAIRMAN: Order, order! The hon. and gallant Gentleman must must confine his observations to this clause.

Colonel SAUNDERSON: I bow at once to your decision, Sir. What I propose is simply to say that this clause is one of the most important in the Bill—this clause, I imagine, will be the one most availed of by the Irish tenants. I imagine that upon this clause will hang, more or less, the success of the whole measure for satisfying the Irish people, and for settling the Irish Question; but, as you have decided, Sir, against my pursuing that line of argument, I will drop it. The hon. Member for East Mayo (Mr. Dillon), so I am informed, for, unfortunately, I was not in the House during his speech, says he intends to go back to Ireland and dissuade the Irish people from going into Court and availing themselves of this measure.

Mr. DILLON: For the second time I have occasion to say I said nothing of the kind. What I said was that I should feel painfully compelled, when I did go back to Ireland, and was asked, as I should be asked, my opinion, I should be compelled to say that, under the clause, they could not look for any relief or protection.

Colonel SAUNDERSON: But why should they not look for any justice under this clause? I have listened very carefully to the debate that has just taken place on the clause, and it appeared to me that the whole gist of the argument employed on the other side by hon. Gentlemen below the Gangway was in favour of the creditor, especially of the gombeen man against the just demands the landlord makes on his tenants; and I think the last Division was eminently one as to whether the landlord or the gombeen man, more than any other creditor, should have the first claim upon the Irish tenant. My own opinion, knowing something about Ireland and Irish tenants, is that to apply to the gombeen man—in reality the greatest curse the Irish people have—the same conditions as the landlord, far from settling the matter, far from placing the tenants in a solvent position to start afresh, far from satisfying the Irish tenant, would leave him in a worse position than before. For this reason, that the arrears of rent, the permission the Irish landlord has given his tenants to get into arrears has been always more or less an elastic settlement of the differences between landlord and tenant. It allowed a certain amount of elasticity in the relations between landlord and tenant. If we had granted the proposal of the hon. and learned Member for Inverness (Mr. Finlay) the only course for the landlord would have been to force his tenant to pay up to the very day, whereas Irish landlords, however they have been decried and defamed, have had the habit and the rule—and I do not think how Gentlemen below the Gangway will deny it—of allowing the tenant to get into arrears to meet the exigencies of bad times, bad harvests, and bad weather; but if you pass a provision that renders it obligatory on the Irish landlord to force the tenant at all hazards to pay up to the very day, you pass a law that renders the position of the Irish tenant infinitely worse than it is at the present moment. My object, and I say this not only as an Irish landlord, for I look at it as an Irishman, the object I long to see attained is a satisfactory settlement of this question. We are asked to make a great sacrifice, to bow our heads to an act of legislation that will undoubtedly materially affect a vast number of Irish landlords. I know, for I continually receive letters from all parts of Ireland, informing me of hundreds, I might almost say thousands, of Irish landlords who will be absolutely wrecked by this Bill we propose to pass. But I have to ask myself whether it is not our duty as landlords, but as Irishmen to consent to the sacrifice if it is to be of any avail. But of what avail would it be if it were received in the spirit indicated by the spirit of the hon. Member for East Mayo? Perpetual agitation; a continuance of the state of things that has rendered Ireland a by-word among nations will be the result. The agitation we can foresee; it is indicated by the manner in which the hon. Member speaks of this clause. If they really desire a settlement of this question, will any hon. Member get up and say and prove to the Committee that this clause absolutely affords no protection to the Irish tenants? Why, it is absolutely absurd. When you have passed this Bill, under this clause no Irish tenant will be turned out of holding, if he can show the Court that his failure to pay rent is due to causes over which he had no control. That is an advantage no tenant in the world will possess, except in Ireland after the passing of this Bill. If the hon. Gentleman loves his country —and I have no doubt he does—can he persuade himself that it will be the conscientious act of a patriotic Irishman to go over to Ireland and tell the Irish tenants that this clause that affords them such protection that he must admit himself they do not at present enjoy, will be of no avail, and that they are to reject it with scorn, and refuse to come to the Court to avail themselves of its provisions. I hope the Committee will not be influenced by the hon. Member, but will pass a clause which will give unheard-of protection to Irish tenants, that will go far to take out of the mouths of political agitators the capital upon which they trade. I shall vote for this clause for the same reason that I supported the Bill; for I believe it does give protection to tenants that may be suffering from causes over which they have no control, and also because, in passing the Bill, we shall have taken the ground from under the feet of politicians — professional politicians — who have made the sorrow and distress of their native country the foundation of their political fortunes.

MR. O'DOHERTY (Donegal, N.): The hon. and gallant Gentleman is fond of making these allusions to professional politicians; but so far as I am able to form an opinion, there are professional politicians other than those who sit below the Gangway, nor do they always support the policy of my hon. Friend the Member for Cork. There is a considerable proportion of other hon. Members who have made of politics—I do not like to say a trade—but sufficiently a profession to go about the country, presenting themselves as the embodied essence of loyalty, that after all does not entitle them to cast in the teeth of hon. Members here the charge of making politics a mere trade. But I think we can discuss Clause 22 without reference to that. I think we ought to discuss it in the light the hon. and gallant Gentleman gives us from the landlord side, and the light we can throw upon it from the tenant's point of view, perfectly well knowing that there is far too much of the landlord's view in the clause presented to the Committee. I ask the hon. and gallant Gentleman to look at the question calmly. Can he point out to me anything that will save the tenant from the enormous cost of the proceedings? Undoubtedly it is proposed in the Bankruptcy Clauses, and it is a provision that I hope will not be dropped, though probably that will be dropped with the other clauses, I desire to see the proposal dealing with the cost of proceedings retained. But it will probably go with the other clauses, and then you have not that which any Equity Court has, the right over the costs of its own proceedings. That, at any rate, cannot be contradicted, and should be sufficient to make the Committee pause. From what he said in his speech, the hon. and gallant Gentleman seemed impressed with the idea that the clause would deal with the gombeen man. Nothing of the sort. It will not touch his principal, interest, or costs; he can escape without the slightest restraint, get his decree, and clear the farm as at present, unless he is fool enough to allow the tenant to get into debt over £20. In the course of a large professional experience, I never came across debts of this kind of more than £2 or £3. They certainly do not exist in that part of the country with which I, as well as the hon. and gallant Gentleman, are most acquainted. I admit the evil of the system and its growth. I remember a case that caused considerable sensation, where 2*s.* in the pound was charged, and in that case the man came forward and in the most shamefaced way said that he never intended to exact that, but he kept it over the borrower's head in order to make him pay 1*s.* 6*d.* That was a case that occurred at Carndonagh, a small town in the remote North of Donegal, where it excited considerable indignation. Five per cent is the usual amount, not a great deal for interest when we consider the nature of the security, not equal to that exacted by the British Exchequer. But the gombeen man has nothing to do with this question; he is free to sue, and his debt will still be exacted. Therefore, all that the hon. and gallant Gentleman said about the tenant starting afresh, and the wiping off of arrears is wide of the mark. The tenant will still have his rent running on, rendered more moderate undoubtedly; but still accruing, and when you add to this the further instalments of arrears, you add with one hand what you take off with the other. It is in the immediate future that these instalments will have to be paid. It is idle to suppose that the County Court Judge will add years and years for the payment of the debt. We know that unless stimulated, and very strongly influenced by authority which, on one occasion, at any rate, in a well-known case was successful, he will not delay the payment to anything like the extent dreamt of by those who have spoken of the effect of the clause. But I should like to turn to what the Chief Secretary evidently thinks is a complete and crushing answer to the charge made against him by the hon. Member for East Mayo. The charge he made was this—that although—and I do not say from this quarter alone—we all looked forward to Clause 22 as the relief clause, the clause to which all eyes were turned, and from which we expected the machinery to stop unjust evictions that would make the horrors of the past utterly impossible, we have been altogether disappointed by the Government, and are met with the naked statement that so long as the tenant pays the instalments, he may go on. It is not the case that this clause allows the Court to give discretion; even after one, two, or three instalments, if the tenant fails to carry out one of these instalments, the full penalty comes upon him. All I can say is that with the accruing rent coming on, with the season we have now—and I appeal to both sides with confidence, what can we expect when things are burnt up to the extent we know them to be—if the full rent is exacted in November, what is the use of speaking of instalments of the arrears? It is impossible to regard the provisions of this clause as providing the machinery for giving justice to the tenants and keeping evictions down. In discussions on the 4th clause we were referred to this clause, and undoubtedly the hon. Member for East Mayo was right when he said it was to this clause we looked forward with hope, and are met by disappointment. Even yet I say, why is it not possible to deal with arrears in the same way as you deal with rent. You make the powers of the Land Commission retrospective as regards rent; let arrears be dealt with in the same adjustment. Surely it will be for the interest of all parties to do so? The picture drawn by my hon. Friend the Member for East Mayo is not one bit exaggerated.

MR. T. W. RUSSELL (Tyrone, S.): If I could only take the gloomy view of the clause expressed by the hon. Member for East Mayo (Mr. Dillon), I confess I should be utterly hopeless of the future of Ireland. But I do not take that view, though I greatly regret the decision arrived at by the Committee. I regret it for the landlords as well as the tenants. I do not, however, take a gloomy view, because I believe the matter will work out something in this way. Ejectment processes will issue, and then the tenant will come to the Court, and, stay or no stay, there will be great inducement for landlord and tenant to come to terms. I cannot shut my eyes to that, and do not think it is fair to do so. Undoubtedly, during the discussion of the Tenant's Relief Bill last Session, the lack of this power in the Court was forcibly commented on by hon. Gentlemen below the Gangway. That is now provided, and beyond that there is the inducement to compound and wipe out the whole thing and begin afresh. Because I believe that will be the practical working of the clause I intend to vote for it, though, as I say, I deeply deplore the decision arrived at, and hope it is not too late to reconsider that decision on Report.

MR. MAHONY (Meath, N.): The hon. Member (Mr. T. W. Russell) has a short memory; he says the want of the power to stay evictions was largely commented on last Session. My recollection of the discussion is that we were over and over again told from the Government Bench that the Chairman of Quarter Sessions had the power of staying eviction proceedings, although we as often contradicted the statement. We have also heard from the hon. and gallant Gentleman opposite (Colonel Saunderson) a great deal about the gombeen man; but I am not going into that question further than to ask what brought that class into existence? It was the struggle of the unfortunate tenants to pay exorbitant rents that brought the gombeen man into existence, and this clause will not affect him. How also would the clause apply to the two most notable acts of evictions that have taken place this year? Apply it to the evictions at Bodyke. What effect would it have had on those evictions? Would it have stopped them? It would have spread huge arrears over a space of time. But these tenants were in no position to pay arrears at all. It was stated, not by an Irish Member, but by an English Member, that they actually still owed to the bank the money they borrowed in 1880 to pay the exorbitant rents of Colonel O'Callaghan. And by this clause it is proposed to place Colonel O'Callaghan and the bank on the same footing, although Colonel O'Callaghan actually has in his pocket the money lent to the tenants by the bank. The debt to the bank is to be treated as the same sort of debt as the exorbitant rent of the landlord. Now, apply the clause to the evictions at Glenbeigh. Did the Court afford any relief there? Not one particle. Judge Cullen exercised his power to the full. And what was the result? The result was that when an impartial Englishman went over to Glenbeigh and inquired into the condition of the tenants, he wrote to the agent and implored him to accept terms much lower than those which had been imposed by Judge Cullen. I dare say the right hon. Gentleman the Chief Secretary for Ireland will say that his Bankruptcy Clauses would have met the case of Glenbeigh, and he endeavoured to throw on us the responsibility of the rejection of those clauses. Mr. Courtney, the Government have assumed the responsibility of governing Ireland, against the wishes of the Irish people, and having assumed it, let them look to it themselves. They cannot throw on us the responsibility of the rejection of the Bankruptcy Clauses. Those clauses were condemned on every side of the House. They were condemned by the Government's own friends as well as their opponents. As long as the Government choose to govern Ireland, it is for them to find a remedy, approved of by the majority of the House, for the present state of things. The fact that the proposal they bring forward does not meet with the approval of the majority of the House does not relieve them of the responsibility, and does not throw any responsibility on us.

Mr. FLYNN (Cork, N.): Mr. Courtney, I desire to repudiate in the strongest manner the heated and inflammatory language used by the right hon. Gentleman the Chief Secretary for Ireland in the speech he made a short time ago. The right hon. Gentleman desires to cast upon my hon. Friend the Member for East Mayo (Mr. Dillon) and the Irish Members a responsibility which they do not care to assume. The Irish Members approach this question with an open mind, and with an honest desire to make this a workable Bill. We do not need to go back for more than a few nights ago in order to show that this is the case, for the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) then acknowledged in the warmest manner the conciliatory attitude of the hon. Member for Cork (Mr. Parnell). We wished to approach this clause with the desire of making it workable, believing that if the Government did not present an inflexible front to the Amendments of their Friends on this side of the House, it might have tided the tenants over the difficulties which, it is acknowledged on all hands, exist at present. The hon. and gallant Member for North Armagh (Colonel Saunderson) who—as far as this Bill is concerned—has distinguished himself by coming in and making an occasional speech and by never sitting out a debate, is quite unaware of the progress which has been made in the consideration of this clause to-night, and has not heard the various debates which have taken place upon it. How can we be held responsible when two very important Amendments, raising an important issue as to whether trade creditors should be dragged into the clause, and moved by Liberal Unionists above the Gangway, have been rejected by the Government, and when the entire constitution of the clause has been altered by the Amendments introduced by the Government? As I said earlier in the evening, it was most unwise on the part of the Government to drag the traders of Ireland into this clause. Much capital is sought to be made by the frequent use of the term "gombeen men." Well, I know Ulster pretty well, and I know the county of Cork particularly well, and in all my travels, in Cork or elsewhere, I have never come across this gombeen man. He is largely used in novels, no doubt, and he may have an existence in the West of Ireland in famine time, but he is certainly not often to be met with. Who are the principal creditors of the distressed farmers at the present time? They are those who deal in meal and seed and the other necessaries which serve to keep the farmer going. Will anyone contend that it is equitable that a man who has supplied meal and seed to the farmer should be forced into the operation of this clause, and thereby, if the tenant is broken down or struggling under heavy rents, should be made to lose a large portion of his money. The hon. and gallant Member for North Armagh, at the conclusion of his observations a few minutes ago, challenged hon. Members on this side of the House to show that this clause would not operate in favour of the tenant, that it would not prevent evictions, that it would not reduce or alleviate hardship, and that it would not do that which the Government have taken credit for. But let us take the clause as it stands and apply it to the case of the judicial renters. It is quite unnecessary to weary the Committee at this stage of the proceedings by going at any length into the Report of the Cowper Commission; but I may state briefly that all the Commissioners are agreed that the judicial rents are such that they cannot be paid, and that the tenants are burdened with debt. Take the case of one of these tenants going to the Court to get protection against his creditors. Say that the writ is served, and judgment is recovered against the tenant, who stands a chance of being evicted. He goes before the Court, but what relief does he get there? It has been said that this clause will stay evictions. Well, what relief does the tenant get? If the County Court Judge is much more liberal than we know him to be, the tenant may get relief for a few months, but the debt will be there all the same, and the costs will have been added to the amount. I attached great importance to the Amendment of the hon. and learned Member for Inverness (Mr. Finlay), that the Court should have power to reduce the arrears of rent; and if it had been accepted I believe the clause might have had a chance of working well in Ireland. That Amendment having been rejected, we repel the charge that any responsibility lies upon Members on these Benches. We have worked hard to improve the various clauses as they passed through Committee. We have given the present clause the closest attention, and have supported those who generally support the Government in the attempts they have made to make it valuable and operative. When, under these circumstances, we, being acquainted with the distressed condition of tenant farmers, tell the Committee that the clause will not operate, will not prevent harsh and unjust evictions, and will not relieve the load that at present weighs down the agriculturists of the country, we are stating what we know to be facts, and we speak with a knowledge of the circumstances which no paid Chief Secretary and no other official of the Crown in this House can possess.

MR. KNOWLES (Salford, W.): I must apologize to the House for intervening in this debate at this late hour. I wish to say, however, that I gave a pledge to my constituents that I would vote against harsh and unnnecessary evictions, and that I believe that the effect of this clause, of Section 4, and of the whole Bill will be to prevent the occurrence of any harsh and unnecessary evictions. In speaking on the second reading of the Crimes Bill, I laid before the House certain statistics with regard to evictions in the Metropolitan Police District, and I supported those statistics in a letter which I wrote to *The Times* of April 16. They showed that, in the quarter ending the 31st of December last, there were 348 families turned out of doors in the Metropolitan Police District, as against only 229 families in Ireland, excluding those who were re-admitted as tenants or caretakers. Since then, I have obtained some further statistics from the Chief Inspector of the Metropolitan Police for the quarter ending 31st of March last. I find that in the Metropolitan Police District, in that quarter, 269 families were turned out of doors or evicted under ejectment orders or judgments; that in 20 cases force was required to give effect to the orders, that in no case was the force resisted, and that in no case was a tenant re-admitted. I have compared these statistics with the official Returns of evictions in Ireland for the same quarter, and I find that there were 584 Irish families evicted, and that 307 of these were re-admitted as caretakers. Subtracting the 307 from the 584, there were, therefore, in the quarter ending last March, 277 families turned out of doors in Ireland. It must be remembered, in comparing these figures, that the population of Ireland is about 500,000 more than that of the Metropolitan Police District. Sir, in examining these eviction statistics for several years past, I have noticed—and it is a fact which has not hitherto been brought before the House or before this Committee—that there are more evictions in Ireland in the June and September quarters than in the March or December quarters; that, as a rule, there are two evictions in the summer for every one in the winter; or, in other words, that the landlords of Ireland show their consideration for their tenants in winter. [*Cheers.*] Well, it is a consideration, apparently, which the landlords in London have not shown. It may be said that I am comparing agricultural statistics with town statistics, and, in order to meet that objection, I have taken the trouble to obtain certain statistics from an agricultural country.

THE CHAIRMAN: Order, order! I have been waiting, but I have not, up to the present, been able to see the relevancy of the hon. and learned Member's observations. Perhaps the hon. and learned Member will connect them with the clause.

MR. KNOWLES: This clause, Sir, is a clause dealing with evictions, and I wish to show that there are not so many evictions in Ireland as hon. Members opposite wish to make out.

THE CHAIRMAN: That does not make the hon. and learned Member's remarks relevant. The hon. and learned Member must connect them with his argument, and not with the single word "evictions."

MR. KNOWLES: Sir, the question of harshness in connection with evictions is before the Committee, and I wish to show that there is not so much harshness in connection with these evictions in Ireland as hon. Gentlemen opposite wish us to suppose. I wish to show that there are not so many evictions in Ireland, an agricultural country, as there are in the Province of Ontario, which is also agricultural.

THE CHAIRMAN: That line of observation is not pertinent to the clause.

MR. W. REDMOND (Fermanagh, N.): I do not propose to deal, Mr. Courtney, with the observations of the hon. and learned Member who has just resumed his seat (Mr. Knowles). He told us that his statistics were original, and I will only say that I do not think they were more original than the speech itself. As to the speech of the hon. and gallant Member for North Armagh) (Colonel Saunderson), the hon. and gallant Gentleman spoke of the sacrifices which he said had been made by landlords in Ireland in regard to this Bill. Well, Sir, whoever heard of an Irish landlord making sacrifices unless he was compelled to do so? It is because the Irish landlords have not made sacrifices——

THE CHAIRMAN: Order, order! The hon. and gallant Member for North Armagh (Colonel Saunderson) was interrupted when he was out of Order, and any reply to his observations would be equally out of Order.

Question put, and *agreed to.*

Clause 23 (Jurisdiction in bankruptcy by consent) *struck out* of the Bill.

Clause 24 (Statement of particulars).

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): Mr. Courtney, on this clause I merely wish to repeat that I wish the Committee to understand that the Government, in dropping the 19th and other clauses, are fulfilling their part of the bargain entered into with the hon. Member for Cork (Mr. Parnell), and they understand that he and his Friends will fulfil their part in dropping other clauses of which they have given Notice.

MR. DILLON (Mayo, E.): What other clauses does the right hon. Gentleman refer to?

MR. O'DOHERTY: What the right hon. Gentleman alludes to took place in the discussion of Clause 21, and it referred more to that than to this clause.

MR. A. J. BALFOUR: I mentioned them all. I beg, Sir, to move that you report Progress.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. A. J. Balfour,*)—put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

TRUSTEE SAVINGS BANKS BILL.

(*Mr. Jackson, Mr. Chancellor of the Exchequer, The First Lord of the Treasury.*)

COMMITTEE. [BILL 334.]

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title, &c.) *agreed to.*

Clause 2 (Appointment of Commissioner to examine affairs of trustee savings bank).

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.): I move, in page 1, after line 28, to insert the words—

"Provided that such notice of any representation by depositors under this section shall be given to the trustees of the bank as the Treasury may direct."

Amendment proposed,

In page 1, after line 28, to insert the words—"Provided that such notice of any representation by depositors under this section shall be given to the trustees of the bank as the Treasury may direct."—(*Mr. Jackson.*)

Question, "That those words be there inserted," put, and *agreed to.*

Clause 3 (Winding up of savings banks).

MR. JACKSON: I beg to move that you report Progress, Mr. Courtney.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Jackson,*)—put, and *agreed to.*

Committee report Progress; to sit again upon *Thursday.*

MUNICIPAL REGULATION (CONSTABULARY, &c.) [BELFAST] BILL.

(*Colonel King-Harman, Mr. Solicitor General for Ireland.*)

APPOINTMENT OF SELECT COMMITTEE.

[BILL 291.] [ADJOURNED DEBATE.]

Order read for resuming Adjourned Debate on Appointment of Select Committee [26th July].

Motion made, and Question, "That the Debate be further adjourned till Thursday," put, and *agreed to*.

Debate *further adjourned* till *Thursday*.

MR. SEXTON (Belfast, W.): I beg to move that this Select Committee be appointed now. You may remember, Sir, that in the discussion last week——

MR. SPEAKER: Order, order! We pass from that Order, having proposed to fix the adjourned debate for Thursday.

MR. SEXTON: I rose, Sir, the moment you said Thursday.

MR. SPEAKER: The Member in charge of the Bill gave me instructions that it was to be put off to Thursday.

MR. SEXTON: That is the point that I wish to contest, Sir.

MR. SPEAKER: The hon. Member is too late for that.

MR. SEXTON: On the point of Order, Sir, I ask is it not competent for me to contest the proposal for the further adjournment?

MR. SPEAKER: It is competent for the hon. Member to do that at the proper time; but the Order was passed, and the Clerk was in the act of reading the next Order.

METROPOLITAN BOARD OF WORKS (MONEY) BILL.—[BILL 345.]

(*Mr. Jackson, Sir Herbert Maxwell.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Jackson.*)

MR. JAMES STUART (Shoreditch, Hoxton): Before the Bill is read a second time, I just wish to call the attention of the House to the fact that it is passing what practically amounts to the imposition of a rate of $1\frac{1}{4}d.$ in the pound upon the whole Metropolis, and that it is doing that upon the recommendation solely of a body which is not directly representative, and whose actions have recently been brought into great discredit. I do not oppose the Bill now; but I make an appeal to the House on behalf of the ratepayers of the Metropolis that, in future, Bills of this kind may be brought before the House at some time when there is an opportunity of criticizing them, and also the action of the Metropolitan Board of Works itself, until a really representative authority is established.

MR. T. P. O'CONNOR (Liverpool, Scotland): I cannot help expressing my astonishment that a Gentleman so reasonable as the Secretary to the Treasury (Mr. Jackson) usually is, should calmly propose that we should pass the second reading of a Bill dealing with a vast, a gigantic expenditure of money such as is contemplated in this Bill after 2 o'clock in the morning, and that without one syllable of explanation. I am still more surprised at such a course of action at the present time, when, as my hon. Friend (Mr. James Stuart) has said this expenditure of between £3,000,000 and £4,000,000 sterling is most of it recommended by a public Body now under suspicion of most serious offences, at which I am sure there is no man in the House whose financial conscience and morality would more revolt than the Secretary of the Treasury; but he, quite unwittingly and innocently is actually, by letting this Bill go forward at this hour without a word of explanation, assisting at the screening of that public Body from the inquiry that is now demanded into its proceedings. I do not know whether any Metropolitan Member may consider it his duty to make a Motion which I do not now make, for I trust the reasonableness of the Secretary to the Treasury will relieve me from the necessity; but perhaps, some hon. Member whose constituents are more particularly interested may find it his duty to move the adjournment, in order to secure the discussion of a Bill of this enormous importance at a proper time. I may point out to the Secretary to the Treasury, whose business it, to a great extent, is to arrrange the course of our proceedings, that as the Government have now in their possession the whole of the time of the House—more time I think than they will presently be able to occupy—that there to vouch for them myself. With reference to the borrowing powers referred to, they are powers, or extensions of powers, already given by Parliament, and which are renewed from year to year. Hon. Members will see, if they refer to the Bill, some powers are exhausted, some unexhausted, and in some cases additional powers are taken. For instance, there are additional powers to lend money for the building of police stations and central offices. But I am not aware there is anything particularly new in the Bill; they are simply extensions of powers Parliament has already granted. As to lending to the Board of St. Pancras, that, also, Parliament has authorized. The Board of Works has power to lend money to the Board of St. Pancras, if satisfied with the security; and they would not lend money without satisfactory security. I really think the opposition to the Bill which is now raised is hardly justified, as if there was anything new in principle contained in the Bill. I have no great desire to take the Bill to-night, more than any other night; but I really hope we may be allowed to take the second reading, and at the subsequent stage there will be ample opportunity to discuss any particular point.

Question put.

The House *divided*:—Ayes 53; Noes 108: Majority 55.—(Div. List, No. 340.) [2.20 A.M.]

Original Question again proposed.

DR. CLARK (Caithness): Sir, the object of this Bill is to continue the Act of 1875, which expired last year. It is to extend the borrowing powers of the Metropolitan Board of Works, and I should like for a minute or two to call the attention of the House to one or two items of the extension. Under Sub-section 2, the Board are asking an increase of borrowing powers from £10,000 to £31,000; that item alone showing more than three times as much as last year. Then, in Sub-section 4, they are asking an increase from £28,000 to £57,000; in Sub-section 5, an increase from £61,000 to £102,000; and in Sub-section 6, an increase from £32,000 to £44,000. They practically want to extend their borrowing powers very considerably; and as the Metropolitan taxpayers already have very heavy rates to pay I strongly object to the proposal. I think half-past two in the morning is not the proper time to give such extended powers to the Metropolitan Board of Works; and, therefore, I move that the House do now adjourn.

MR. M. J. KENNY (Tyrone, Mid.): I rise for the purpose of seconding the Motion of my hon. Friend. I think it is extremely undesirable that the House should proceed at this hour of the night to discuss questions of this kind. It is unreasonable to ask the House now to pass a Bill which gives to a public Body, at the present time under grave public suspicion, power to embark in very extensive operations. The best proof that there was no anticipation that this Bill would be brought on to-night is, that the right hon. Baronet the Member for the Epping Division of Essex (Sir Henry Selwin-Ibbetson), who is now responsible in this House for the transactions of the Metropolitan Board of Works, is not in his place, and I may also point out the printed copies of the Bill have only just been placed in the hands of Members, who have not had an opportunity of examining it. It is useless to contend that the Treasury is responsible in anything more than a technical sense for the accuracy of the figures given in the statement issued with the Bill.

Motion made, and Question proposed, "That this House do now adjourn."—(*Dr. Clark.*)

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.): In the first place, I should like to point out that the right hon. Baronet the Member for the Epping Division of Essex (Sir Henry Selwin-Ibbetson) has nothing whatever to do with this Bill. But the Government are not prepared to carry on the contest at this hour of the night; and, therefore, if the Motion for the adjournment of the House is negatived or withdrawn, the Government is prepared to assent to the second reading being postponed.

MR. T. P. O'CONNOR (Liverpool, Scotland): Will my hon. Friend the Secretary to the Treasury undertake to bring the Bill forward at a time which will give us an opportunity of discussing it? I am sure the hon. Gentleman is alive to the enormous interest excited in the mind of the Metropolitan taxpayers at the present moment with regard to the Board of Works. He will say that that is a question for the Metropolitan Members; but while the majority of those Members belong to a Party in which I have no confidence, the hon. Gentleman will allow me to exercise my rights as a London ratepayer. Will he consent to make the Bill the first Order of the day for Wednesday week, and thus give us an opportunity of discussing it? The hon. Gentleman is the last man in the world I would like to inconvenience; but I give him fair warning that any attempt to push the Bill through at a moment when there are not due facilities for discussing it will receive from me renewed opposition.

Mr. CONYBEARE (Cornwall, Camborne): I wish to ask the Government, for the information and convenience of hon. Members, if there is any responsible official now representing the Board of Works in this House? The Chairman of the Board has, we know, been promoted to "another place," and I am sure I do not envy him; but we do desire there should be someone in his place to whom we can direct our inquiries. I hope that when the Bill is again brought on, the Government will see that some Member of the Board of Works able to give explanations will be present.

Motion, by leave, *withdrawn.*

Original Question again proposed.

Debate arising;

Debate *adjourned* till *Thursday.*

OPEN SPACES (DUBLIN) BILL.—[Bill 80.]

(*Mr. William Redmond, Mr. T. D. Sullivan, Mr. Murphy, Mr. Dwyer Gray, Mr. Timothy Harrington.*)

COMMITTEE. [*Progress 25th July.*]

Bill *considered* in Committee.

(In the Committee.)

Mr. JOHNSTON (Belfast, S.): I should like to move that you report Progress, Sir. Hon. Members opposite have had their innings with regard to a Metropolitan Bill, and now I beg to move that you report Progress, as this Bill is likely to cause considerable discussion.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. Johnston.*)

The PARLIAMENTARY UNDER SECRETARY for IRELAND (Colonel King-Harman) (Kent, Isle of Thanet): I hope that my hon. Friend will not press that Motion. I do not say that because I approve of the action of hon. Members opposite; but it is desirable to get this Bill through. I have carefully gone through the Amendments which have been put down, and see no objection to them.

Mr. JOHNSTON: As I would be sorry to model my conduct on that of hon. Gentlemen opposite, I ask leave to withdraw the Motion.

Motion, by leave, *withdrawn.*

Bill *reported;* as amended, to be considered upon *Thursday,* and to be *printed.* [Bill 346.]

MARKETS AND FAIRS (WEIGHING OF CATTLE) BILL [*Lords*].

(*Sir Richard Paget.*)

[Bill 337.] CONSIDERATION.

THIRD READING.

Bill, as amended, *considered.*

An Amendment made.

Sir RICHARD PAGET (Somerset, Wells): I hope the House will consent to the Bill now being read a third time.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Sir Richard Paget.*)

Mr. M. J. KENNY (Tyrone, Mid): Although I sympathize to a very great extent with this Bill, I would request the hon. Baronet not to take the third reading now. I object to the Bill on the ground that, as far as Ireland is concerned, it will never be satisfactorily worked; because any Bill in regard to which the Irish Local Government Board has a power of veto is absolutely useless for good. I hope, therefore, the hon. Baronet will give us some further opportunity of considering whether we shall enter another protest against it.

Sir RICHARD PAGET: I hope the hon. Member will not press his objection. In the hon. Member's absence, I thought myself in duty bound to comply with the pledge made.

Mr. JOHNSTON (Belfast, S.): I trust the hon. Member will withdraw his opposition.

Dr. TANNER (Cork Co., Mid): I am perfectly certain that everybody will sympathize with the hon. Baronet opposite, who has often shown great ability in dealing with agricultural questions. But I would certainly ask him not to press his Motion for the Third Reading, and let it be put down for Thursday; because then there might be such an expression of opinion as might have the effect of bringing a certain amount of judicious pressure to bear on the authorities in Ireland in regard to their administration of the Bill. Really, Sir, hon. Members cannot understand how great an interest is taken in this matter. It was brought on, as many of these Bills are, at a late hour of the evening. There were a number of Members on this side of the House who did not desire to block the Bill, because it was brought in by the hon Baronet. But still there are several points in it remaining unconsidered; and, therefore, I appeal to the hon. Baronet not to press for the third reading now.

Question put, and *agreed to.*

Bill read the third time, and *passed,* with Amendments.

MOTIONS.

MERCHANT SHIPPING (MISCELLANEOUS) BILL.

On Motion of Baron Henry De Worms, Bill to amend in certain minor particulars some of the enactments relating to Merchant Shipping and Seamen, *ordered* to be brought in by Baron Henry De Worms and Mr. Jackson.

Bill *presented,* and read the first time. [Bill 348.]

TEMPORARY DWELLINGS BILL.

Select Committee on the Temporary Dwellings Bill *nominated* of,—Mr. Channing, Mr. Elton, Mr. Atherley-Jones, Mr. Kelly, Mr. Kenrick, Mr. Llewellyn, Mr. Joseph Nolan, Mr. Pickard, and Mr. Francis Powell, with power to send for persons, paper, and records.

Ordered, That Three be the quorum.

SHERIFF OF LANARKSHIRE BILL.

On Motion of The Lord Advocate, Bill to remove doubts as to the appointment of the Sheriff of Lanarkshire, and to confirm the same, *ordered* to be brought in by The Lord Advocate, Mr. Secretary Matthews, and Mr. Solicitor General for Scotland.

Bill *presented,* and read the first time. [Bill 349.]

House adjourned at Three o'clock.

HOUSE OF LORDS,

Tuesday, 2nd August, 1887.

MINUTES.]—Public Bills—*Second Reading*—Trinidad and Tobago (195).

Committee—Margarine (Fraudulent Sale) (169-205); Statute Law Revision * (192).

Committee — Report — Allotments and Cottage Gardens Compensation (155); Escheat (Procedure) * (193); British Settlements * (189); Secretary for Scotland Act (1885) Amendment * (194).

Third Reading—Merchandise Marks Law Consolidation and Amendment * (203-206), and *passed.*

TRADE AND COMMERCE—THE BOUNTY SYSTEM OF FOREIGN POWERS.

QUESTION. OBSERVATIONS.

The Earl of CARNARVON: I venture to ask a Question, of which I have given private Notice to my noble Friend the Prime Minister. It would be very satisfactory to learn whether any, and if so, what consents have been given on the part of the different Foreign Powers who have been invited by Her Majesty's Government to enter on a discussion of the bounty system? I see it is reported in one of this morning's papers that France has given its adhesion to that Conference. Of course, this is not the time for entering into a discussion of the question itself, nor will I make any comments upon it; but I think the House will learn with very great pleasure that there was a willingness on the part of so important a member of the Conference as France to enter on a discussion of the matter.

The PRIME MINISTER and SECRETARY of STATE for FOREIGN AFFAIRS (The Marquess of Salisbury): I cannot speak with absolute confidence with respect to France; but Germany, Spain, and Belgium, subject to certain conditions, have agreed to take part in the Conference. The noble Earl, I am sure, does not wish that I should do more than answer his Question. I may, however, add that the answers which we have received have been satisfactory.

DOMINION OF CANADA—SUBSIDY TO THE CANADIAN PACIFIC RAILWAY.

EXPLANATION.

The Earl of HARROWBY said, that he wished to explain why he did not ask the Question which stood in his name yesterday with reference to the subject of the subsidy to the Canadian Pacific Railway. He did not bring the matter forward, because he was informed that fresh negotiations were in progress between Her Majesty's Government and the Canadian Government, and that it was not desirable that there should be discussion upon the subject at that juncture.

MARGARINE (FRAUDULENT SALE) BILL.—(No. 169.)

(*The Viscount Powerscourt.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

THE EARL OF WEMYSS asked that the consideration of the measure should be postponed until Friday next, on the ground that the evidence taken before the Select Committee of the other House had not been placed in their Lordships' hands. The evidence was very voluminous and important. It consisted of nearly 3,000 questions and answers.

VISCOUNT POWERSCOURT said, that copies of the evidence had been laid upon the Table, and that to postpone the Committee stage of the Bill at this late period of the Session would be to place the measure in great jeopardy.

LORD EGERTON said, he hoped that the request of the noble Earl would not be acceded to. The nature of the evidence taken before the Select Committee was generally known to those who had taken an interest in this subject, as the question had been discussed fully in the Agricultural Press. It would not be fair to noble Lords who had come from the country with the special purpose of discussing this measure to postpone the consideration of it.

EARL GRANVILLE said, the arguments just delivered strengthened the desire for postponement, and, now that the evidence was upon the Table, it could soon be printed and circulated. The course suggested by the noble Earl was followed in connection with the Smoke Nuisance Abatement Bill ought to be followed now. The Smoke Bill was postponed no less than three times because the evidence relating to it had not been laid upon the Table. He had seen a copy of the Report containing the evidence bearing upon the Margarine Bill; but had not had time to read it. The appeal of the noble Earl seemed to him to be most reasonable.

LORD WANTAGE said, he hoped that the consideration of the Bill would be deferred.

LORD BASING said, it would be a pity to lose the present opportunity of advancing the Bill a stage. He had procured several copies of the Report, and had caused them to be placed upon the Table for examination. He left himself, however, in their Lordships' hands in this matter. It should be understood that neither of the two Bills referred to the Select Committee of which he was Chairman contained the word "butterine," about which the controversy was raised; and in no way, therefore, had the decision of the House of Commons been reversed.

LORD BRAMWELL said, he only had the evidence put into his hands as he entered the House that afternoon. Under these circumstances, it was neither reasonable nor just to ask the House to come to a decision upon the disputed points in the Bill.

THE PRESIDENT OF THE BOARD OF TRADE (Lord STANLEY of PRESTON) thought it would be a great injustice to parties interested in this question if their Lordships were to come to a decision without full knowledge on the subject. At the same time, there was a general desire on the part of the House that the Bill should be proceeded with that day; and as the point of difference was a comparatively narrow one, though of great importance—namely, whether the description of the article dealt with should be "margarine" or "butterine," he would suggest, in order to meet the objection that had been raised, that that question should be reserved for decision till the next stage of the Bill.

THE EARL OF ROSEBERY said, he could not quite concur with the remarks of the noble Lord (Lord Basing), that there was any general wish on the part of the House to proceed with the Bill at the present juncture. Nine copies only of the evidence had been circulated among their Lordships. The circulation of nine copies of the evidence did not offer that complete and satisfactory information to the House to which it was entitled before deciding a question. They were asked to decide not a mere matter of trade slang or a nickname, but the name by which a certain article should be described, and which might strike a blow at a great industry employing great capital and making great purchases in the agricultural districts, and which made an article generally recognized and purchased by the working classes, and their Lordships were appealed to to do this blindly, and without even regarding for a moment the very evidence collected by the House of Commons for the purpose of guiding their judgment. He feared the Government was not so careful of the position and *prestige* of the House as it ought to be. If they thought the House could legislate as well without information as with information, the House was likely to be brought into a condition, he would not say of contempt, but of ridicule, which must profoundly affect its status, and there would be no use in their continuing to sit.

EARL FORTESCUE thought it would be better to reserve the question of nomenclature and proceed with the Bill, which involved more questions than that of one word. On that he could pronounce no opinion till he had read the evidence. But he thought the course proposed by the President of the Board of Trade—and he spoke after over 40 years of experience in Parliament—neither unpredented nor unreasonable, but the reverse; and he felt sure it would be approved by the common sense of the country.

THE EARL OF CARNARVON remarked that a great number of their Lordships had come there in the expectation that the Bill was to be fully discussed, and he himself saw no practical difficulty in the way of that discussion. The least they had a right to ask was that the suggestion of the President of the Board of Trade should be acceded to, though his own view was that they were in sufficient numbers and had sufficient knowledge to discuss the matter, which was really a very narrow one, resolving itself into whether the avowed and confessed counterfeits of butter should be called by the one name or the other. The agricultural newspapers had discussed the matter for months; and it was important to the consumer, who had been placed in an unfair position, that a decision should at once be arrived at.

LORD THRING thought that the Act of 1875 did all that this Bill would do, and did it better. The House ought not to go on with the Bill in the absence of the evidence.

LORD FITZGERALD said, the simple question was whether the article should be called "butterine" or "margarine," and no perusal of the evidence would lead to a settlement of that question. The noble and learned Lord's speech ought to have been made on the second reading. The sole question on the debate on the second reading was the title. He protested against the noble Earl's (the Earl of Rosebery's) remark that the House could not proceed with the Committee stage of the Bill without being made an object of contempt to the country.

THE EARL OF ROSEBERY: I never said so.

LORD FITZGERALD said, that was his interpretation of the noble Earl's observations. Why not proceed with the Bill and leave open the question of margarine or butterine for Report? That would have the advantage of shortening discussion. He hoped the Committee stage of the Bill would not be postponed.

THE LORD PRESIDENT OF THE COUNCIL (Viscount CRANBROOK) said, the noble Earl (the Earl of Rosebery) seemed to doubt the general opinion of the House, so he suggested that his noble Friend in charge of the Bill should move that the House at once resolve itself into Committee, in order that the sense of the House might be taken.

THE EARL OF ROSEBERY explained, in answer to the noble and learned Lord (Lord Fitzgerald), that he had carefully avoided using the word "contempt" in connection with the discussions of the House, though he did use the word "ridicule."

Moved, "That the House do now resolve itself into Committee upon the said Bill."—(*The Lord Basing.*)

THE EARL OF WEMYSS said, he ventured to oppose that Motion. A certain number of noble Lords did not want to come on another occasion; but the fight would not take place that night.

LORD BRAMWELL said, the Preamble of the Bill contained an allegation the truth or falsity of which their Lordships had not had an opportunity of testing by the evidence.

VISCOUNT POWERSCOURT rose to Order. He wished to know how many speeches a noble Lord might make?

EARL GRANVILLE said, the noble and learned Lord was perfectly in Order. There appeared to be a strong wish in some quarters that nobody should speak.

LORD BRAMWELL said, that when the noble Viscount interposed he was calling their Lordships' attention to the Preamble of the Bill. It was in these terms—

> "Whereas it is expedient that further provision should be made for protecting the public against the sale as butter of substances made in imitation of butter, as well as of butter mixed with those substances."

He said that that allegation in the Preamble might be utterly untrue. Whether it was true or not depended upon the evidence, which they had not had an opportunity of seeing.

THE LORD CHANCELLOR (Lord HALSBURY) then put the Question, and declared that the "Contents" had it.

THE EARL OF WEMYSS said, he had cried out "Not-Content."

LORD HALSBURY said, he understood that no one had challenged his decision. However, he would put the Question again.

On Question? Their Lordships *divided:* —Contents 50; Not-Contents 15: Majority 35.

Resolved in the *Affirmative.*

House in Committee accordingly.

EARL GRANVILLE explained that the reason for the Division was not opposition to the Motion to go into Committee, but a desire to secure a postponement of the Committee stage of the Bill until the Report of the Select Committee of the House of Commons was printed and circulated among their Lordships. As it was, he felt that those who voted with him had better, under the circumstances, follow the advice of the President of the Board of Trade, and postpone all argument until they got to another stage of the Bill.

Amendment made: The Report thereof to be received on *Friday* next; and Bill to be *printed* as amended. (No. 205.)

TRINIDAD AND TOBAGO BILL.—(No. 195.)

(*The Earl of Onslow.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE UNDER SECRETARY OF STATE FOR THE COLONIES (The Earl of ONSLOW), in moving that the Bill be now read a second time, said, it was introduced for the purpose of effecting the union between the Islands of Trinidad and Tobago. The Legislative Councils of both Islands had passed Resolutions in favour of their union, and this Bill was necessary to carry those Resolutions into effect.

Moved, "That the Bill be now read 2ª."—(*The Earl of Onslow.*)

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

ALLOTMENTS AND COTTAGE GARDENS COMPENSATION BILL.—(No. 155.)

(*The Earl of Winchilsea.*)

COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 4, inclusive, *agreed to.*

Clause 5 (Compensation).

LORD BRAMWELL, in moving to omit the words "notwithstanding any agreement to the contrary," said, that these words would open the way to fraud, in that a man might enter into a bargain with the landowner, and, having had the benefit of that bargain, might afterwards, if he thought fit, get the additional benefit given by those words. The late Lord Chancellor had said a good deal on what he called "the loose talk" indulged in upon the subject of freedom of contract. If there had been any loose talk on the part of anyone he thought it had been on the part of the late Lord Chancellor himself. He agreed that the law had refused to enforce agreements which it deemed to be contrary to public policy; but the law had never been so silly as to hold that freedom of contract was an unlawful thing. The law had never said that when a man had entered into a bargain by which he undertook certain obligations and from which he derived certain benefits, that he should be at liberty to deny his obligations. No doubt, that had been done by the Statute Law, as in the case of that splendid effort of legislation, the Hares and Rabbits Act, and the Agricultural Holdings Act; but the Common Law never did any such thing. It was contended that there was no difference between the case of a farm and that of an allotment; but the difference was great. The landowner must let his land to the farmer, as he could not cultivate it himself, and if a restriction were put upon him he must let it subject to that restriction; but the owner who granted allotments granted them, he apprehended, in the immense majority of cases, for the sake of the allottee. The effect of the clause as it stood would be to prevent the granting of allotments.

Amendment *moved*, in lines 13 and 14, to leave out ("notwithstanding any agreement to the contrary").—(*The Lord Bramwell.*)

THE EARL OF WINCHILSEA observed, that the Amendment was another protest against the principle of the Bill, and as such it was impossible for him to ask their Lordships to accept it. Unless these words were retained it could not be said that provision was made for compensation in every case. If a man were permitted to contract himself out of the Bill, a loophole would be afforded which would prevent compensation being made in every case. The noble and learned Lord drew a distinction between land let to a farmer and to a cultivator of allotments, and said that in the one case the landlord let for his own benefit, and in the other for the benefit of the allotment holder. That was a mischievous distinction which did not exist in fact, as it was equally to the benefit of the landlord to let to the allotment holder as to the farmer.

THE EARL OF SUFFOLK said, he wished to express his concurrence with the views of the last speaker. It was a grievance with cottagers that when they had to quit their holdings they had no right to compensation for the trees and plants they left behind them.

Amendment *negatived.*

LORD BRABOURNE said, he rose to move an Amendment providing that tenants should be entitled to claim compensation from their landlords for all fruit trees and bushes which they left growing on the land. Under the Bill the tenant could not obtain compensation unless he first obtained his landlord's written consent to plant the trees. The value of the holding might be greatly improved by the trees, and it was certain that in most cases the trees would be planted without the written consent being obtained. Their Lordships should recollect that they were not dealing with large occupiers who might be trusted to secure themselves by obtaining the required consent in writing. The holders of small allotments would not do so. No doubt, the written consent should be obtained for the erection of any buildings; but in such an ordinary matter as the planting of currant and gooseberry bushes, the labourer should surely not be deprived of compensation because he had not obtained his landlord's consent in writing to the transaction.

Amendment *moved.*—(*Lord Brabourne.*)

THE EARL OF WINCHILSEA said, that the planting of fruit trees was a matter on which it appeared right that the landlord should have a discretion, as fruit trees planted might be a disadvantage to neighbouring allotments. Moreover, trees which when planted might be of very little value, would, after some years, become of considerable value; and he did not see any reason why the unearned increment should belong to the tenant. This was a case in which it might fairly be left to the landlord to say whether or not the trees should be planted by the tenant.

THE UNDER SECRETARY OF STATE FOR THE COLONIES (The Earl of ONSLOW) said, he thought it desirable that fruit trees should be exempted from the matters for which the tenant should be entitled to claim compensation. Otherwise, in Herefordshire and other fruit-growing counties, considerable inconvenience would accrue to tenants who had planted trees by special arrangement with their landlord.

Amendment *negatived.*

Clause *agreed to.*

Clauses 6 and 7 severally *agreed to.*

Clause 8 (Appointment of arbitrator).

LORD BRAMWELL remarked that it was unfortunate that the conditions of legislation were such that their Lordships were obliged to agree to that to which their judgments were opposed, for fear that the Bill should not pass. The Amendment that he wished to propose on this clause was the most reasonable one in the world. As the clause stood, it would be open to justices on an *ex parte* application, without even notice being given to the other party, to appoint an arbitrator to assess the amount of compensation to be paid to the outgoing tenant, and the object of his Amendment was to require that notice that such an application was about to be made should be given to the other party in the cheapest and most convenient form—say, by means of a letter to be sent through the post. He had appointed hundreds of arbitrators, but he had never appointed one without notice being given to both parties; and it was only common justice that both parties should know what was about to be done in their case, otherwise the greatest enemy of one of them might be appointed to adjudicate upon his case. If it were too late for their Lordships to do what was just and right, he was very sorry for it; but, at all events, he would give their Lordships an opportunity of doing what was just and right by moving his Amendment, which was to the effect that notice should be given to one party of the intention of the other to apply to the justices to appoint an arbitrator to assess the amount of compensation.

Amendment *moved*, in page 3, line 3, after ("application") insert ("and proof of notice to the other party which may be, by letter, posted to his usual address.")—(*The Lord Bramwell.*)

THE EARL OF WINCHILSEA said, he opposed the Amendment, on the ground that the arbitrator could not be appointed by the justices until the landlord and tenant had met and had disagreed, and were, therefore, aware that one of them would make the application. The tenant would probably have to consult a lawyer as to the form of the notice, and would have to pay him for his advice 6*s*. 8*d*., which would amount to a large percentage upon the sum in dispute.

THE LORD CHANCELLOR (Lord HALSBURY) said, he also opposed the Amendment, on the ground that when the arbitrator was appointed the other party would have notice of the fact.

LORD BRABOURNE observed, that the act of the justices would be merely a ministerial one. It would be done upon the application of either party without prejudice to the other. It could not be opposed, even if the other party had full notice, since the provision in the Bill was that "the justices shall appoint an arbitrator" upon application; and the justices, restrained, moreover, as they were by the clause from appointing an interested party, might surely be trusted to select a proper person for the office.

Amendment *negatived.*

Clause *agreed to.*

Clauses 9 to 16, inclusive, *agreed to.*

Clause 17 (Recovery of compensation money).

LORD BRAMWELL said, that it appeared to be almost idle for him to trouble their Lordships by moving Amendments upon this Bill; but here, again, it appeared to him to be a matter of common justice that he should move an Amendment upon this clause. Under the clause as it stood execution might issue directly the report of the arbitrator was made, without the party adversely affected by it being allowed to show cause why it should not be carried into effect. The party so affected might be able to show that he was not the landlord or that he was not the tenant, or that he had a set-off, or that he had any other substantial defence; yet, as the Bill stood, he would not be able to set it up against the arbitrator's award. He proposed to amend the clause by moving the insertion of words which would give the party adversely affected by the award an opportunity of setting up any substantial defence he might have to the proceedings before execution could issue.

Amendment *moved*, in line 7, leave out ("upon order made by the judge,") and insert ("with costs by plaint in.")—(*The Lord Bramwell.*)

LORD HALSBURY agreed that the words suggested by the noble and learned Lord would be clearer; but they were not really necessary.

Amendment *negatived.*

Clause *agreed to.*

Remaining Clause *agreed to.*

Bill *reported* without Amendment; and to be read 3ª on *Thursday* next.

INDUSTRIAL AND REFORMATORY SCHOOLS — RECOMMENDATIONS OF THE ROYAL COMMISSION.

QUESTION.

THE EARL OF **MILLTOWN** (for the Earl of HARROWBY) asked, Whether Her Majesty's Government would consider the recommendations of the Royal Commission on Industrial Schools with the view of proposing legislation upon the subject in the next Session?

EARL **BROWNLOW**: Mr. Matthews, in reply to a Question in the House of Commons on Friday last, said that—

> "He had considered the recommendations of the Royal Commission, and that two measures dealing respectively with reformatory and industrial schools had already been prepared by the draftsmen, and he hoped that they might be introduced next Session."

House adjourned at a quarter past Six o'clock, to Thursday next, Two o'clock.

HOUSE OF COMMONS,

Tuesday, 2nd August, 1887.

MINUTES.]—SELECT COMMITTEE—*Report*—National Provident Insurance [No. 257].

PRIVATE BILL (*by Order*)—*Third Reading*—Dublin, Wicklow, and Wexford Railway (City of Dublin Junction Railways), and *passed*.

PUBLIC BILLS—*Ordered*—*First Reading*—Friendly Societies Act (1875) Amendment (No. 3) * [353]; Superannuation Acts Amendment * [354].

Referred to Select Committee—Bankruptcy Courts (Ireland) * [124].

Committee—Irish Land Law [308] [*Seventh Night*]—R.P.

Third Reading—Turnpike Roads (South Wales)* [333], and *passed*.

Withdrawn—Church Discipline Amendment * [156]; Contumacy Imprisonment Abolition * [157].

PRIVATE BUSINESS.

DUBLIN, WICKLOW, AND WEXFORD RAILWAY (CITY OF DUBLIN JUNCTION RAILWAYS) BILL (*by Order*).

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

DR. **KENNY** (Cork, S.): I do not intend to detain the House for any length of time; but I have a Motion on the Paper for the re-committal of this Bill to the former Committee in order to move—

> "That it be an Instruction to the Committee, That they do inquire and report whether it would not be for the benefit and advantage of the citizens of Dublin and the public generally that the line should be made on the eastern side of the Custom House instead of on the western side, as specified in the Act."

We are not without a precedent for this course, because the same process of re-commitment was resorted to in the case of the Manchester Ship Canal Bill, when the promoters came before the House with a supplementary measure to enable them to alter their financial arrangements and security. We have, therefore, a very remarkable precedent in our favour, and we do not ask for the re-committal of the Bill, except for the reasons we have set down in the Motion. In regard to the question of carrying the undertaking on the eastern side of the Custom House rather than the western side, as is now contemplated by the promoters, the citizens of Dublin believe that the original scheme of the promoters is only persisted in from obstinacy and a false idea of economy. They believe that if they follow the route they have set down in their original Bill, they will be able to save several thousands of pounds in the execution of the works; but in order to do that they will have to carry the line over one of the most valuable open spaces in Dublin—namely, Beresford Place. If they are to carry the line to the westward of the Custom House, they must of necessity obstruct, not only the beautiful view which the people of Dublin now enjoy of the Custom House, which is one of the most handsome buildings in the City, but the general public will have taken away from them one of the most valuable open spaces for purposes of recreation. I have no desire to contend that if the line is constructed carefully, the enjoyment of this open space by the citizens of Dublin will not be seriously interfered with. But I think it is somewhat extraordinary that at a moment when the people of Dubln are promoting a Bill for the preservation of open spaces, the House of Commons should be called upon to sanction a scheme which, if carried out, will destroy the most important open space now existing in Dublin. I trust that the House will take the same view as I do upon this point, and will even, for that reason alone, object to the mode in which it is proposed to carry out this line, or, at any rate, that they will compel the promoters to construct their line to the eastward of the Custom House in the way I have suggested. Leaving that objection I come now to a point on which a large majority of the citizens of Dublin feel very sore, and that is the æsthetic aspect of the question. We all desire the completion of the railway communication between the South and North of Ireland, but we think that it ought to be carried out without involving the destruction of the very few beauties which Dublin possesses. We all know that since the Union most of the beauties of the City of Dublin have been destroyed, and we are strongly of opinion that if this undertaking is carried out in the way the promoters propose the handsomest building now existing in Dublin will be irretrievably destroyed. There is an old saying that it is of no use to shut the stable door when the horse has been stolen. We are likely, however, to have a Home Rule Parliament for Ireland before long, and it would be unfortunate to call upon the new Parliament sitting in Dublin, the very first time they meet, to remedy the evils which this Parliament is now asked to perpetrate. Under the circumstances, it cannot be expected that the Irish Members will be prepared to sit down tamely and accept a wanton attack like this upon the beauty of their capital city. Every man who knows Dublin must be aware that if the line is carried out, as proposed, it will utterly destroy the only view which is now obtainable of the Custom House; and not only will that view be destroyed in one direction, but it will be destroyed from the northern aspect as well as the western aspect. The western aspect is one of great beauty, and everyone who knows the view in that direction will be ready to admit the necessity of preserving it. There is another objection which I desire to urge against the Bill, but I do not know whether I may not be out of Order in referring to it. I believe that in this Bill the promoters take no power whatever to keep alive their compulsory powers in connection with the construction of the line. The powers already conceded to them expired on the 28th of last month, and I believe that one of the steps the promoters ought to have taken in order to keep those powers alive was to have served notices on all the occupiers of the land proposed to be taken, and also to appoint an arbitrator. They have, however, neither done the one nor the other, and I think that objection ought to be fatal to their Bill. I believe it has been held in other cases that the non-compliance with the Standing Orders of this House in a case like that is fatal to any scheme. In this Bill the promoters take no such power, and I trust the House will not be prepared to give them any latitude whatever in a matter of this kind. If it is a case that they have not served notices on the occupiers, I hope the House will at once decide against the Bill, on the merits of the case in that respect alone. To show that the promoters of the Bill have full power to do what this direction of the Committee asks them to do, any hon. Member has only to look over the list of the names of the Directors of the three Companies promoting the scheme, and they will see at once that they have full power by agreement between themselves to carry out whatever this Bill may call upon them to do. The same gentlemen whose names appear as members of the Dublin, Wicklow, and Wexford Company are also members of the Port and Docks Board and the Great Northern of Ireland Railway Company. It is only the Great Northern Company which will derive any considerable benefit from this undertaking. All the rest of Ireland will be excluded from participating in that benefit. Anyone who looks at the provisions of the Bill, and who knows anything of Ireland, will see at once that the promoters do not accomplish what they profess to do, and that the line will not facilitate the traffic to any considerable extent, especially in regard to the transit of the mails to the South of Ireland. The promoters say that if this Bill is not carried the American mails will be lost to Queenstown. Now, this measure will afford very little relief. There is, however, another scheme before Parliament which will undoubtedly give considerable facilities. It is a Bill promoted by the Great Southern and Western Railway Company, who are the parties who will be principally benefited by any facilities which will be given in connection with the transit of the American mails, and who ought to be empowered to carry out any measure for facilitating the traffic. Their scheme would give an amount of benefit to the South of Ireland quite equal to that which the promoters of the present Bill propose to give to the North. In regard to the Instruction I have put upon the Paper I have shown that the same set of gentlemen form the three Companies who are promoting the Bill. They can, therefore, carry out this Instruction of their own Motion, if they are so minded. They say that there are engineering difficulties of an insuperable nature to the carrying out of my proposal—namely, that the line shall be taken to the east of the Custom House instead of the west. They allege that if they are compelled to do that the trains will run in on the up arrival platform of the Great Northern Railway. I should have thought that engineering ingenuity would have been able to get rid of any difficulty of that kind. If hon. Members will trace the course of this line on the map they must see that there can be no insuperable difficulty whatever in carrying the line to the westward of the Station of the Great Northern Railway. I do not pretend to be an engineer; but I think anyone can see, from a glance at the map, that what I say is the case, and that the facilities for running in the trains on one side of the Custom House are quite equal to those on the other. Certainly, the advantages which will be conferred on the City of Dublin will much more than counterbalance any engineering difficulties the promoters may experience. Perhaps one reason which operates in inducing the promoters to persist so obstinately in carrying their line in the way they propose is the fact that a great number of Government officials, high and mighty in their own estimation, who are employed at the Board of Works Office and in the Custom House, have their offices at the eastern end of this building, and they are afraid that this line may come between "the wind and their nobility." In the eyes of Parliament, however, that ought to be a very small matter, and in, conclusion, I will venture to move the Amendment which stands in my name, and I hope that it will receive the support of the House.

Amendment proposed, to leave out the words "now read the third time," in order to insert the word "re-committed."—(*Dr. Kenny.*)

Question proposed, "That the words 'now read the third time,' stand part of the Question."

Mr. DILLON (Mayo, E.): I do not think that a stronger illustration can be given of the inconvenient way in which Irish measures are dealt with in this House than the history of the proceedings which have taken place in regard to this Bill. What is the history of this Bill? The Bill itself is only a Continuance Bill, or, rather, a Bill to give facilities for the borrowing of money. It was discussed some days ago at considerable length, and would then have been unanimously rejected by the House, if it had not been for a mistake on the part of the hon. Member who opposed it. Owing to a technicality the Bill was revived on a subsequent day, and two hours were taken up in the discussion of the measure. I watched with extreme interest the position which was taken by English Members on that occasion, and it was certainly a most ludicrous sight. English Members did not know in which way they were to vote; they listened with bewilderment to the debate, which was almost confined to Irish Members; and until they heard the able speech of the hon. Member for the St. Stephen's Green Division of Dublin (Mr. Dwyer Gray) they were in a state of absolute uncertainty as to how they were to vote in the matter. Can a more preposterous way of conducting Private Bill legislation for the Irish people be conceived than that? I hold in my hands the Division List which decided the fate of the Bill the other day, and what do I find from that list? The consideration of the Bill was carried through this House by no less a majority than 102. But if hon. Members will turn to an analysis of the Irish votes, they will see that the Irish Members, including Representatives of every Party in Ireland—Conservatives, Liberals, Unionists, and Nationalists—who voted against the Bill, numbered 34, while those who were in favour of it were 31. The English Members who swelled the Division List, and who manifestly could not have understood the merits of the case, carried the Bill by about 100 votes. Now, I maintain that that is a mode of conducting Private Business which must lead to a great waste of time, and must destroy that control which the Irish Members ought to have over their own local affairs. I have looked into the proceedings which have taken place in regard to the Bill, and I find that on every occasion since the year 1884—when the scheme was first brought before Parliament—there has been a majority of Irish votes against the measure. In no single instance, when the Bill has been before the House, has there been a majority of Irish votes in favour of it. On the last occasion the figures gave a full and clear indication of the nature of the case. While it is true that on the whole votes of the Irish Representatives the majority against the Bill was only 34 to 31, there was a much larger minority of Nationalist votes, seeing that the numbers were 32 Nationalists against the Bill as compared with 22 in its favour. Among the votes in favour of the Bill which went to make up the minority of 31 will be found the names of nine Conservative Members, including the Members for the University of Dublin, who can hardly be called Irish Members at all. That is the past history of the Bill as regards the Irish Representatives; and I take leave to say, without wishing to be in the least degree disrespectful or uncivil to an hon. Member for whom I have the highest respect—namely, the Chairman of Committees—that the course adopted by him on the last occasion was utterly unprecedented and most unfair. What did the hon. Member do? He actually made a strong speech in support of the Bill, and wound up by moving the closure, so that nobody should answer him. I never heard that done before. The principle has hitherto been for some Member of the Government to move the closure; but if the principle is to be introduced of some influential and important Member of the House first of all making a strong speech in favour of a Bill, and then moving the closure in order to prevent anyone from answering him, the proceedings of this House will be reduced to an extraordinary position. I am of opinion that this debate would, in all probability, have been saved if the Chairman of Committees had abstained from moving the closure on the occasion to which I refer, and had allowed some Member to answer his speech. I will now say a few words on the general question of the merits of the Bill. I am opposed to the Bill for two or three strong reasons. In the first place, I object to the claim of the citizens of Belfast, or of any other part of Ireland, to come down to Dublin and utterly spoil the appearance of the city, unless very strong reasons can be shown for doing so. What right have the people of the North of Ireland to say that, in order to suit their convenience, they are to run a bridge across the River Liffey, in such a position as will shockingly disfigure the city, with the sole object of accommodating the traffic of Belfast and the North of Ireland, altogether ignoring the wishes and feelings of the citizens of Dublin in the matter? If it were true that this scheme is calculated to benefit the North of Ireland, I should be the last man in the world to oppose it; but I should even then claim at the hands of hon. Members from the North of Ireland that they should, in carrying out the scheme, consult, to some extent at least, the feelings of the citizens of Dublin, and not proceed ruthlessly, in a fashion worthy only of Goths and Vandals, to disfigure the city without the slightest necessity, for I believe I shall be able to convince the House in a few minutes that there is no necessity whatever for carrying out this line in the way proposed. That is my first proposition. In the next place, I maintain that no case whatever has been made out for this line. It is claimed on behalf of the promoters that it will shorten the transit of the mails, and in that way facilitate the conveyance of the American mails between Kingstown and Cork. A more preposterous idea cannot be conceived; and I would undertake, by driving the mails along the ordinary route, to enable them to reach Cork sooner than by the proposed route. I am satisfied that the employment of fast horses would secure the conveyance of the mails quicker than this loop line. Therefore, this allegation on the part of the promoters as to affording facilities for the conveyance of the American mails has really nothing to do with the merits of the case. What, then, are the real objects to be served? This loop line is to cost £300,000, and, when made, not a single pound weight of goods or merchandize will ever pass over it. There is no goods traffic whatever along the line; but what will go over it will be, on the average, during the summer months, some 30 or 40 tourists every day. Now, is it to be contended —for this is the contention of hon. Members who support the Bill—that in order to save 30 or 40 tourists, American or otherwise, the trouble of taking a cab, or of sleeping in a Dublin hotel, £300,000 are to be expended, and the beauty of the City of Dublin is to be ruthlessly destroyed? The line itself will never pay a dividend. I doubt if it will ever pay one shilling on the capital expended in constructing it, if, indeed, people can be found who are foolish and idiotic enough—although that is the case very often in all parts of the world—to advance the money. It will never pay a single shilling of interest upon the capital expended in making the line. If, under these circumstances, the promoters wish to construct a railway let them do so; but they ought to be prevented from doing so in a way that will be offensive to the citizens of Dublin, and destructive to the beauty of the locality through which it will pass. Let me add that, in addition to the destruction of a handsome building which is highly valued by the citizens of Dublin, the line will monopolize one of the finest open spaces which are now available for the recreation of the citizens. Their real reason for taking this open space is that, under their Act of Parliament, they are able to obtain possession of the land a great deal cheaper than if they were called upon to pay compensation for taking possession of private property. Then, I say that this line is not required for the purposes of trade. It cannot be of any use at all from a trade point of view; and I further contend that it can be of no use in facilitating the transit of the American mails. The only case that can be made for it is that it will be convenient for a limited number of tourists, and will save them the trouble of paying a Dublin cabman for taking them across the city. I say it is most monstrous that, for the convenience of a few traders in Belfast and a limited number of American tourists, the people of Dublin should be compelled to submit to have their city grossly disfigured. Let me admit that the line is to be made, although it would never be made or tolerated for a moment by the people of Dublin, if they were in a position to control their own local affairs. But suppose that the line is to be made in spite of the opposition of a majority of the Irish Representatives, what reasons are there for permitting it to be made in a way the people of Dublin and the Irish Members protest against? We have been told by my hon. Friend the Member for the St. Stephen's Green Division of Dublin that the Great Northern Company are so much interested in their own traffic, that they will not allow another line to be made which is to join their system on the off side. Now, that assertion shows how it is possible to deal with important matters without having sufficient information in regard to them. What are the facts in relation to this junction line? I would ask hon. Members to inquire how the North Wall Junction is effected with the London and North Western and the Midland and Southern systems. They will find out that it joins those systems on the off side. It is notorious that the Liffey Junction at North Wall and the Northern Junction there will come in on the off side. If, then, these Railway Companies are willing to run the risk of colliding with the London and North Western trains, how is it that they are unwilling to incur a similar risk of colliding with trains which may pass over this new line when it is made? In truth, that is not the real reason why the construction of the line to the east of the Custom House is objected to. The real reason is that the promoters want to take Beresford Place from the citizens of Dublin; and, in order to save the expenditure of a few thousand pounds, they are willing to rob the citizens of Dublin of one of their most valuable places of recreation. The case put forward by my hon. Friend the Member for the St. Stephen's Green Division the other day, and a case which may probably have had some influence in inducing English Members to vote in favour of the Bill, was that we propose to sacrifice the trade of Ireland to æsthetical ideas. Now, I wish it to be distinctly known—and everybody who knows anything of Ireland is acquainted with the fact—that the trade of Ireland is amply provided for by the railroad connections which at present exist. There is not a railway coming into Dublin, with the solitary exception of the Dublin, Wicklow, and Wexford Line, which probably has very little trade at all, that has not ample accommodation already; and if this loop line is constructed, no traffic will ever pass over it up to the Day of Judgment; no goods will ever be sent over it from Kingstown; no goods will ever be shipped there; and, therefore, this contention that the line is to serve the trade of Ireland is an utterly bogus contention. Beyond what may go by the Parcels Post there will never be any trade at all. In conclusion, I hope I may be allowed to refer to the remarks which were made by my hon. Friend the Member for the St. Stephen's Green Division. He asked us if we propose to prevent the expenditure of something like £150,000 in wages in Dublin? Now, I have shown that this loop line can be made, and made with perfect safety, without disfiguring Beresford Place or destroying the beauty of the Custom House. But my hon. Friend, in his anxiety to make out his case, rather overlooked the statement which had been made on behalf of the promoters of the Bill. Now, what is their statement? They say that they propose to spend £150,000 in wages in the City of Dublin; but I am informed that the greater part of the money which will be expended by the Company will go in the shape of compensation to the owners of property and in the purchase of railway material, and that the wages paid, although they may be considerable, will be trifling in comparison with the sum mentioned by my hon. Friend. I am told that they will amount to something like £30,000. My contention is that this loop line ought not to be made, but that the connection between Kingsbridge and Kingstown ought to be made as proposed by the other Bill. Our strong point is this—that you may, by passing this Bill, kill the Kingsbridge and Kingstown Line altogether, and then there is also the possibility that this loop line will never be made at all. It is utterly out of the question that two lines can be made. Hon. Members know perfectly well that it is a question whether one will be made, and if one is made there cannot be a shadow of doubt that the other Bill will fall to the ground. No doubt, there is a greater financial guarantee in connection with the project for the loop line. The promoters have obtained the help of Sir Edward Guinness, who is universally known to be a very wealthy man. He has agreed, I understand, to subscribe a sum of £50,000. Sir Edward Guinness is a gentleman who is probably worth £8,000,000 or £9,000,000; and the promoters having Sir Edward Guinness at their back, together with the Great Northern of Ireland Railway Company and the City of Dublin Steam Packet Company, will, if this line is sanctioned, undoubtedly crush out of existence the project of the Great Southern and Western Company, which is the one that it is most desirable in the interests of Ireland generally to pass. For all these reasons, I trust that the House will reject the Bill. I think that it is particularly hard that the voice of the majority of the Irish Representatives should be overruled. I think it is most unfortunate that in a question of this kind, which affects the interests, and, if you please, the local prejudices of the citizens of the capital of Ireland, English Members, who have no real knowledge of the merits of the question, should be prepared to vote against the voice of the Irish Representatives.

Lord CLAUD HAMILTON (Liverpool, West Derby): I am bound to assume that the hon. Member who has just delivered a speech against the Bill has never taken the trouble to read the provisions of the measure which he has so eloquently discussed. This Bill is not a Continuance Bill, as the hon. Member has represented. It is nothing of the kind; it is merely a Money Bill to enable the promoters of this new line to carry out the intentions of Parliament already expressed in the Bill which was passed in the year 1884. That Bill was before a Committee of this House and also a Committee of the House of Lords as an opposed measure. All the matters involved, both for and against, were fully argued before those Committees, who, nevertheless, representing as they did both Houses, considered it right to pass the Bill. The present Bill is merely to provide the means for carrying out the scheme which was sanctioned by that measure; and we are now simply discussing a money question. The old story has been introduced about the disfigurement of the Custom House. I quite admit that if it had been possible to have made this line on the other side of the Custom House it would have been a preferable course to have taken; but the whole of that matter was fully discussed and settled when the Bill was before Parliament. I myself gave evidence on the subject. Although I am not a perpetual resident in Dublin, I know Dublin as well as anybody, and I should have been very sorry to make this line where it is proposed to make it, if any alternative scheme could have been suggested. Parliament, however, came to the conclusion, after full consideration and after hearing evidence, that the line could only be made as it is proposed to be made by this Bill. The hon. Member talks as though sacrifices should never be made in order to secure the material interests of a community. Although I admit that the Custom House in Dublin is a building of great beauty, it cannot be said to rival St. Paul's Cathedral here; and when it was proposed to connect the North and South of London by carrying a bridge right in front of St. Paul's Cathedral, the material argument so much outweighed that which was put forward by æsthetics that Parliament decided that it was necessary to carry a bridge across Ludgate Hill. Then, again, let me instance the bridge across the Thames at Charing Cross. Probably there could not have been found a finer river scene in the world than that which the construction of that bridge to a great extent interfered with; but Parliament felt that æsthetics ought not to stand in the way, and they allowed the bridge to be made. I may also mention that, according to the plans for the construction of the bridge across the Liffey which were submitted to the Committee, there will not be anything like the disfigurement which was involved in the construction of the bridge across the Thames or that across Ludgate Hill. In fact, the interference with the view will scarcely be noticed, and one witness who gave evidence before the Committee declared that the construction of this line would be rather an advantage than otherwise. The hon. Member for East Mayo knows very well, when he talks of the open space at the Custom House being used as a recreation ground, that it is not employed for any such purpose. I have gone over it hundreds of times, and I never saw a man, woman, or child, who could be said to be visiting it for the benefit of the air. There is no provision there for people who desire to sit out-of-doors for the benefit of the open air. It is simply a large open space, and whatever purpose it may serve in enabling the citizens of Dublin to obtain the benefit of fresh air will be in no way interfered with by the construction of this bridge. The hon. Member for East Mayo has said that if this loop line is made no goods traffic will be carried over it. Now, I can assure the hon. Member that all railway men take a very different view from that which he has expressed. The hon. Member says that if a physical connection with Belfast, Drogheda, and the North of Ireland is established, there will be no goods traffic created; but the experience of every railway man is that if you will give the facilities traffic will afterwards be created. My own opinion is that there will be a very large goods traffic indeed, although it may take a certain time to develop it. But, as I have said, this Bill is purely a Money Bill, which it has been found necessary to introduce into this House, in order that some difficulties which have been experienced by the promoters of the measure in regard to the guarantee of their capital shall be removed. There is an ordinary share capital of £300,000, with borrowing powers to the extent of £100,000 more; and when the Midland and the Southern and Western Companies seceded from the contract which they originally entered into, it was found that the guarantee could not be sustained. What followed? The Dublin, Wicklow, and Wexford Railway Company reduced the amount of their guarantee, while the City of Dublin Company increased theirs. That brought up the guarantee of the share capital to £225,000 at 4 per cent, the City of Dublin Company provide a guarantee of £250,000, and then there simply remains a sum of £50,000 to be found or guaranteed. What are the names of the gentlemen who have undertaken to supply that sum? I will mention the names of these gentlemen, in order that there may be no misconception on the part of those who are opposing the third reading of the Bill. Sir Edward Guinness has subscribed £20,000, Sir Richard Martin £5,000, Mr. Cairns (the Deputy Governor of the Bank of Ireland) £5,000, Mr. E. H. Kinahan £5,000, Mr. John Jamieson £5,000, Mr. Murphy

£5,000, and then there are five other gentlemen who have guaranteed to subscribe £1,000 each, making a total of £50,000. I think that fact affords proof that the Company is in a perfectly sound financial position. I now come to the notices which, under some singular misapprehension, the hon. Member for East Mayo has referred to. He alleges that the Company have not given the necessary notices; but I may inform him that plans and schedules have been already deposited at the Board of Works in Ireland, which is equivalent to giving notices to occupiers in England, and that the Board of Works have already appointed an arbitrator to decide any disputed matter in reference to those notices. I may add that the Company, in taking that course, have rendered themselves liable for no less a sum than £100,000. I think that shows the *bona fides* of the promoters. The only other point I have to notice is the statement of the hon. Member in reference to the rival scheme quoted by the hon. Member for Banff (Mr. Duff) the other evening. The hon. Member stated that if this Bill is passed it will be impossible for the other project to be carried out. Now, I contend that the public are the best judges as to which is the best and the most useful line. All that Parliament has to do is to give the public an opportunity of deciding; and if they do that, I have very little doubt as to what the public verdict will be. Subsequent to the debate which occurred the other night, the promoters of the Bill received overtures from the promoters of the Booterstown and Inchicore Railway. This is their letter—

"Kingstown and Kingsbridge Junction Railway Solicitors' Office, 10 New Square, Lincoln's Inn, E.C., 29th July, 1887.

"DEAR SIRS,—

"After the strong expression of opinion shown by last night's Division we do not desire to offer any further impediment in the way of your Bill; and, provided that no opposition is offered you to the third reading of our Bill, we will use our influence to prevent the opposition of our friends, you, of course, doing the same by us.

"Yours faithfully, LAKE & Co."

To that letter the following reply was sent:—

"18, Abingdon Street, S.W.,
"29th July, 1887.

"DEAR SIRS,—

"We are in receipt of your letter of to-day's date. With reference to the Dublin, Wicklow, and Wexford (City of Dublin Junction Railways) Bill, and the Kingstown and Kingsbridge Junction Railway Bill of this Session, we beg, on behalf of the promoters of the Dublin, Wicklow, and Wexford (City of Dublin Junction Railways) Bill, to agree to the terms therein contained.—We are, yours faithfully,

"HOLMES, GREIG, & GREIG."

Under these circumstances, let me make a further appeal to that section of hon. Members below the Gangway who are opposing this measure. Let all of us, whether we sit on this side of the House or the other, who represent Ireland in any way, come to a decision as to what the material interests of the country demand. Do not let us make ourselves the laughing-stock of England and Scotland by showing that on a measure like this, which is purely non-political, we cannot come to an agreement. Let us, at any rate, go before the public and say that we are able to pass measures for the general advantage of Ireland without the necessity of dividing one against the other.

MR. FLYNN (Cork, N.): I think the course which the discussions on this Bill have taken affords one of the strongest arguments in favour of a measure of Home Rule for Ireland. Referring to the concluding remarks of the noble Lord the Member for the West Derby Division of Liverpool (Lord Claud Hamilton), I would point out that the difference which exists between Irish Members sitting on both sides of the House in reference to this measure, instead of being an argument against Home Rule, is a strong argument in its favour; because it shows that when we come to consider purely commercial and material considerations outside the line of politics we all take an independent view. I do not desire to follow the remarks of the noble Lord in the speech he has made in favour of the Bill, or to occupy the House at any considerable length; but representing, as I do, a Southern constituency, there are a few points in regard to this measure which I wish to refer to. The hon. Member for East Mayo (Mr. Dillon), speaking in the interests of the citizens of Dublin, seems to imply that if this project is carried out, there may be danger of the American mails being taken away from Queenstown. We dispute that argument altogether, and we from the South of Ireland are very largely interested, not in the carriage of the American mails alone, but also in the traffic that must inevitably follow. We have had in this House during the present year, and in former years, a strong expression of opinion from successive Postmasters General that if this line or the other line—the Booterstown and Inchicore Railway—is not made, there is great probability of the carriage of the American mails being lost to Ireland altogether. That is a result which we should look forward to with considerable apprehension. We believe that the making of this line, or of the Booterstown and Inchicore line, is an absolute necessity if we are to retain the carriage of the American mails, and the passenger traffic that follows. My hon. Friend the Member for East Mayo appeared, to some extent, to deprecate the value of the American mail traffic in Ireland.

Mr. DILLON: Oh, no; the hon. Member has mistaken the purport of my remarks.

Mr. FLYNN: I know that Members who are opposed to this scheme have somewhat deprecated the value of the American traffic to Ireland, and I am prepared to join issue with them on that point. It is not only that the carriage of the mails is valuable, although that is an important consideration, but also the vast amount of passenger traffic that follows. A large number of American tourists land at Queenstown, who spend a great deal of money in Ireland, but who, if the carriage of the American mails was diverted in another direction, would not have an opportunity of visiting Ireland at all, but would go direct to Liverpool or some other English port. Therefore the people of the South of Ireland, generally, are greatly interested in this question. I may say that my own personal interest is in the other line—I will not call it a rival line. Until the promoters of the present scheme announced their intention of persevering with their Bill we looked on the matter in this light—that unless the alternative line was made we might have no line at all. I should be sorry to say a word against the alternative line. In the discharge of my duty at home, I have done all I could to stir up a healthy public support in favour of that line; but I cannot conceal from myself that if the line which this Bill proposes to carry out is not made, the chances of having any real railway connection are very remote indeed. [*Cries of* "No!"] Hon. Members say "No;" but I want to know where the capital for the alternative line is to come from? The scheme has already been six months before the public, and out of the £200,000 they required to raise only £20,000, at the outside, have been subscribed, with a guarantee of £80,000 from the Cork Harbour Board, which, of course, is a conditional guarantee. I am not disposed to find fault with the æsthetic views of some of my hon. Colleagues in regard to the shutting out of the view of the Custom House; but I think there is great force in what the noble Lord the Member for the West Derby Division of Liverpool stated in regard to what has been done in London on a very much larger scale, in shutting out the view of a Cathedral of most noble proportions, and in shutting out, also, a view of some of the finest buildings in the Metropolis. A poor country like Ireland cannot afford to take a purely æsthetical view when there are so many artizans out of work. The object of Irishmen should be to furnish facilities for the development of the traffic of the country. I altogether protest against the proposition that the construction of this bridge across the Liffey will seriously affect the æsthetical susceptibilities of the citizens of Dublin. I believe that undue importance has been attached to that point, which was so eloquently expressed by the hon. Member for South Cork (Dr. J. E. Kenny). In my opinion, we Irish Members have to make a selection between the two lines. It must be borne in mind that after the decision we came to the other day in regard to this Bill, on the following day the Bill authorizing the junction between Kingsbridge and Booterstown and Inchicore was read a third time. In my opinion, there is ample room for both lines in connection with the Kingstown communication. There is another point I desire to impress upon the House. I believe that this loop line is absolutely necessary, not only for the purpose of carrying the American mails and passengers, but for the general transit of the traffic from the North to the South of Ireland through the Metropolis of the country. Of course, I am unable to speak with any authority as to the engineering difficulties of the question, or whether it will be possible to construct this line east of the Custom House; but I will assume that, in deference to the strongly expressed opinion from Dublin, if it had been possible to carry this line east of the Custom House the promoters would have done so, and would not, from sheer wantonness and from a contemptuous disregard of that opinion, have carried the line to the west. I have been informed by one of the highest possible authorities that it would be extremely difficult, if not altogether impossible, to make a satisfactory junction if the line had been carried to the east of the Custom House. I think that my hon. Friend the Member for East Mayo, to some extent, strained a point in regard to the attitude of the Irish Members. As he read out the Division List, 34 Irish Members were against the Bill and 31 in favour of it. Now, I do not think that on reading over the numbers they give such a result as would afford a strong argument against the scheme in the direction of saying that public opinion in Ireland and the opinion of the Irish Representatives are decidedly against the Bill. On the contrary, I think that the opposition to the Bill, apart from æsthetical ideas, shows that there is a large amount of public opinion in Dublin in favour of the measure. It will be in the recollection of the House that of the Representatives of Dublin itself in this House two are in favour of the measure out of four, and one, I believe, will not vote upon the question, although he is in favour of the Bill. Only one Dublin Representative votes against it. I think, therefore, these are very strong reasons against the contention of my hon. Friend the Member for East Mayo, that there is a strong preponderance of opinion in Ireland against this measure. We have now to make up our minds. I very much regret that on the last occasion when this Bill was before the House it was brought to a premature close. I do not believe there is any precedent for the course which was then taken by the hon. Gentleman the Chairman of Committees. I do not think that the Motion which was made by the hon. Gentleman was, under the circumstances, justifiable or wise. I do not believe that many more Members intended to speak, although there may have been two or three; and I think it would have been better to have threshed out that evening, once and for all, the whole question. Hon. Members had made up their minds which way they intended to vote; and there would have been no further opposition to the Bill. I intend myself to vote in favour of the Bill, because I believe that the scheme involved in it is the only practical measure which can come before the House for the acceleration of the mail and passenger traffic. Therefore, in voting for it, I believe that I am consulting the best interests, not only of the North of Ireland, but of the South as well, and the traffic of the country generally.

Mr. SINCLAIR (Falkirk, &c.): In addressing a few remarks to the House with regard to this measure, I trust the fact that I am a Scotch Member will not be considered as debarring me from expressing an opinion upon the merits of a question of such importance to my native country. From my personal knowledge of Dublin, I am satisfied that both of these lines ought to be made; and if both railways are constructed, I think there can be very little doubt that the American mails will be carried by the Southern line. The line now under discussion will serve as an alternative route until the other line can be made and the American mails transferred to a more natural route. The line proposed in this Bill to be made will serve as an important means of communication between Westland Row and the North of Ireland. I therefore hope that hon. Members who voted in favour of the Bill on a former occasion will do so again. We have had an interesting speech from the hon. Member for East Mayo, in which he analyzed the Division List, and referred to the votes of the Irish Members. He seemed to forget, however, that there are many Irishmen in this House besides those who represent Irish constituencies; and if he had gone a little further and examined the votes of those hon. Members, he would have found that a large majority of such Members voted in favour of the Bill. I think the House did right in voting for the Bill on a former occasion; and I trust that on this occasion, in the same way, the Bill will receive the sanction and approval of the House.

Sir JOSEPH M'KENNA (Monaghan, S.): I do not propose to detain the House long, but I wish to refer to some of the arguments which were adduced on a former occasion in regard to the attitude of Dublin. It was said that the Corporation are not so much the representatives of the people of Dublin as the Members for Dublin. I altogether deny that assertion. The Corporation of Dublin are elected to take charge of the local interests of the City, and I venture to say that the Corporation are as ten to one against the Bill now before the House—that out of every 10 members of the Corporation returned to look after the local interests of the City, nine, at least, are against this Bill. With respect to the alternative scheme, I wish to make one observation in reference to the principle enunciated by the noble Lord the Member for the West Derby Division of Liverpool (Lord Claud Hamilton) who spoke a short time ago. The noble Lord said that the policy of Parliament was one of fair play in these matters, and that these two Bills, according to the principle of fair play and the policy of Parliament, ought to be before the country at the same time, so that the public may take their choice against them. Now, I venture to say to those hon. Members near me, who are familiar with the history of the policy of Parliament in such matters, that the doctrine of the noble Lord is precisely the opposite of the policy of Parliament. The policy of Parliament has invariably been in the case of two opposing projects, when one has been passed, to view with great jealousy any proposal for another line which is likely to interfere with it unduly, or to compete with it. The Booterstown and Inchicore line was not projected before the one now before the House had fallen into abeyance, and had lost its powers. But as soon as the Booterstown and Inchicore line was projected, and carried to the eve of a prosperous conclusion, the promoters of this line, who had suffered their Act to fall into abeyance, and had lost their Parliamentary status, came before the House, and invited the House to take a step which would resuscitate their Bill, in order that they might defeat a *bonâ fide* scheme which would have been carried into successful completion. I know very well, if we could bring the two lines direct before the public, which scheme the people of Ireland would be prepared to accept. It would seem that the promoters of the measure attach very little value to æsthetical considerations; but I believe that a greater disfigurement of Dublin could not take place than that which is involved in the construction of this line under its present conditions. No doubt, in certain circumstances that consideration might be overlooked, and we should be prepared rather than have no connecting line to let the matter stand as it does. But what is it that we have before us? We have another Bill, on the eve of being passed through Parliament, and of receiving the Royal Assent, which was not projected until years after the Bill now before the House had fallen into abeyance, and the promoters had completely lost their powers and their status. They come now to this House to ask Parliament to help them by carrying a Money Bill, which is to enable them to resuscitate and to make new financial arrangements. I think that this House ought to be most jealous, under such circumstances, of passing a measure to enable a Company which has failed to fulfil its obligations to defeat a rival scheme, which is not in default.

THE CHAIRMAN OF COMMITTEES (Mr. COURTNEY) (Cornwall, Bodmin): I will not detain the House for more than two or three minutes. The hon. Member for East Mayo has arraigned the course I took on the last occasion, and I do not propose to enter into any justification of what was done then. The House will remember that when I rose on that occasion I intimated that I would move the closure, and I was interrupted by an appeal on the part of the hon. and learned Member for North Longford (Mr. T. M. Healy) on a point of Order. With reference to the Motion now made for the third reading of the Bill, I will only point out that a Bill was brought into this House three years ago to authorize the making of this junction railway. The whole question was then referred to a Select Committee. The Corporation of Dublin petitioned against the Bill, witnesses were examined, and everything that could be adduced against the Bill was heard before a Select Committee of this House. The opponents were also heard before a Committee of the House of Lords, and clauses were inserted in the Bill to protect Dublin from being disfigured. Those clauses remain in the Bill now, and I submit that, as far as Parliament could settle the question, the matter was settled then. That Bill proposed to raise the capital for carrying out the scheme, under the guarantee of five existing Companies—four Railway Companies and the Dublin Steam Packet Company, two of those Companies afterwards retired, and gave up their guarantee. It has, therefore, been found necessary to alter the guarantee of the remaining three Companies, and that has been done, the remaining capital being subscribed by the gentlemen whose names have already been read. The whole question at issue in the Bill is a financial arrangement which involves a subscription from certain gentlemen, and the guarantee of three Companies who were among the original subscribers to the scheme. The present guarantee is quite as good as the original one, and upon the guarantee now offered the money to make the line is being subscribed. There is no precedent, as far as I am aware, upon a Bill for a financial re-arrangement, for taking into consideration the whole policy of the construction of a line which has already been sanctioned by Parliament. The hon. Member for East Mayo has stated that the Manchester Ship Canal Bill affords a precedent; but the Manchester Ship Canal Bill is a precedent dead against himself. On the Motion to re-open the whole policy of constructing that canal, the House came to the conclusion that there was no justification for the course proposed to be taken, and refused altogether to adopt the suggestion. The Reference to the Committee in that case was simply this—that the substitution of one financial arrangement for another must be taken upon its merits, without re-opening the policy of the construction of the line. The reference to the Committee in the case of the Manchester Ship Canal was confined entirely to the substitution of one financial arrangement for another. That is the simple question here. It has nothing whatever to do with the beauty or disfigurement of the City of Dublin, and the question of the adequacy of the financial arrangement has already been investigated as far as I was able to investigate it with the assistance, Sir, of your able counsel when the Bill came before me as an unopposed Bill. The guarantee is quite as good as the original guarantee—in fact, I am inclined to think it is better, and the money has been subscribed. The whole question is whether this House will sanction the substitution of one financial arrangement for another. Every question in regard to the disfigurement of Dublin was settled three years ago. I would, therefore, impress upon the House that if they reject the Bill they will establish a precedent of an extremely awkward and inconvenient nature. Under all the circumstances, I hope the House will not waste more of the public time by prolonging the discussion.

MR. CLANCY (Dublin Co., N.): I do not propose to trespass long upon the time of the House; but I think, as one of the Representatives of the County of Dublin, that I have as much right to express my views as the hon. Member for the Bodmin Division of Cornwall (Mr. Courtney), the hon. Member for a Scotch borough (Mr. Sinclair), or the noble Lord the Member for the West Derby Division of Liverpool (Lord Claud Hamilton), and what I am anxious to do is to protest against the Vandalism which the carrying out of this scheme will involve. The hon. Gentleman who has just spoken says that this is only a Money Bill, and that the question whether this line was to be constructed or not was settled three years ago, and, therefore, that there is no precedent for re-opening the question. If that is so, I contend that it is high time to establish a precedent. I think that no more useful precedent could be established when we know that the real meaning of this Bill is to bolster up a useless scheme destined to failure. The Bill is intended to revive a scheme which, although originally sanctioned, could not be carried out. As a matter of fact, the public had no confidence in it, and they would not invest their money in it. The promoters now come here to modify their financial arrangements, and it is perfectly right that we should continue our opposition to the original scheme in order to show that it is a scheme which Parliament ought not to sanction. The noble Lord the Member for the West Derby Division of Liverpool and the hon. Gentleman the Chairman of Committees say that all these questions were decided by a Committee of the House of Commons, and both speakers appear to assume that, because a Committee of this House decided in a particular way, therefore the whole question is settled. But, Sir, the decision of a Committee of this House has not necessarily the slightest weight with the people of Ireland. The whole surface of Ireland is strewed with monuments of the incompetency of Committees of this House, in the shape of works finished and unfinished which have been sanctioned by this House, but which have turned out to be perfectly useless for their original purpose; and, therefore, to tell me that because a Committee of this House has sanctioned a measure of this sort I ought to be bound by that decision is a thing I cannot accept in the face of my ordinary experience of every-day life. Allow me to make an appeal to the Liberal Unionists especially, and to all the English Members now present. I believe I am correct in saying that the Liberal Unionists and the Tory Members of this House are prepared, and have expressed their readiness, to give to Ireland the management of a certain amount of its local affairs. I believe that even the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain) is still prepared to give us control over our Railway Bills, and the management of such things as our water and gas supply. Then I would ask him and his followers, and those who sit on the other side of the House, to act on this occasion upon that principle, and leave the decision of this question to the Irish Members alone. The whole matter is merely a local matter concerning the City of Dublin. It does not touch, I will not say the Empire, but a single English interest of any sort. It is, therefore, a matter which ought to be decided by Irish Members alone; and if it is so decided, I, for one, shall be perfectly satisfied, no matter what the decision may be.

Mr. DWYER GRAY (Dublin, St. Stephen's Green): I rather imagine that the challenge of the hon. Member for North Dublin (Mr. Clancy) is based on the figures which were given by my hon. Friend the Member for East Mayo (Mr. Dillon) when he spoke of the votes of a majority of the Irish Members being against the Bill. That statement, however, although I have no doubt it was made with the utmost *bona fides*, took me by surprise, and I have had the figures carefully checked since by one of the Members for the City of Dublin who is in favour of the Bill, and by the hon. Member who moved the Amendment against the Bill, and I now invite the attention of my hon. Friend the Member for East Mayo to the result of their investigation. I find that the majority of Irish Members who, in fact, voted in favour of the Bill was 37, as against 33 who opposed it. This matter was fought out three years ago, when an Amendment was moved by an hon. Member for one of the Divisions of Tipperary to refer the question back exactly on the same ground as that which has been moved to-day. The Motion was defeated by 126 to 26; certainly an enormous majority. Although I thoroughly recognize the rights of minorities, I think that when a decision has been deliberately come to, after full discussion, again and again, there ought to be some finality. It has been clearly pointed out by the Chairman of Committees that the question whether this line should run, or whether any disfigurement of the City of Dublin should be allowed, and all other questions connected with the construction of the railway, have been settled, and ought to be deemed to be settled, not four days ago, but three years ago, and that to re-open such questions is absurd. I thank my hon. Friend the Member for East Mayo for the complimentary references he made to myself; but, in his warm and impassioned speech, he put into my mouth two or three statements which I did not make, and which I must disclaim. I did not say that the Great Northern Railway are so solicitous for the protection of human life that they will not consent to any junction with an up line. What I said was that in this instance they refused to do so, and that their refusal was fatal to the Bill. It is quite true that some of the communications of the Liffey branch are seldom used but for stone goods traffic with the up trains; but a junction of that kind on a comparatively unused branch line is a very different thing from running trains into a main terminus, where trains are running in and out every few minutes. I believe that the opposition of the Great Northern Railway to any junction which would permit this line to be carried on the eastern side of the Custom House is fatal. Then my hon. Friend stated that, as one argument in favour of the Bill, I alleged that a sum of £150,000 would be spent in Dublin in the shape of wages. I never said a word about it, and where my hon. Friend got his information from I am at a loss to conceive, unless he got it from some stray paragraph in a newspaper not very remarkable for its general accuracy. I am not astonished that the House at last is weary of this discussion; but I would ask hon. Members to consider what the effect would be if the Amendment which has been moved were accepted. The promoters of this scheme have already served the necessary notices to enable them to take possession of the land required, and they are bound to purchase the ground, because every occupier can now go into Court and compel them to do so. You are asked to recommit this Bill to the former Committee, not merely for the purpose of examining into questions of finance, but in reality to kill the Bill. What would be the position of the promoters? These gentlemen, on the faith of universal precedents, have introduced a measure to enable them to reconstruct their financial arrangements, a matter which Parliament has never hitherto refused. They have entered into arrangements which render them liable to pay £100,000 for the purchase of land, and yet it is proposed that we should re-open matters which were fully considered and decided three years ago. I cannot believe that the House will come to such a preposterous conclusion, and I believe that the object of the discussion which has taken place has been to secure the votes of hon. Members who are not thoroughly versed in the question. Hon. Members who have listened to the discussion know now that what is asked is this—that the promoters of the Bill, who have committed themselves to the scheme, and served notices which compel them to purchase the ground, are now to have their project practically killed, notwithstanding the fact that every provision of the original Bill was fully argued, considered, and decided three years ago. I cannot conceive that this House will consent to stultify itself in the manner which has been suggested by those who support the Amendment.

MR. JOSEPH CHAMBERLAIN (Birmingham, W.): I only rise for the purpose of saying that, after the appeal which has been made to me by the hon. Member for North Dublin (Mr. Clancy), I quite agree that this is entirely a matter for the Irish Members, and I have no intention of taking any part in the Division which is about to take place.

Question put.

The House *divided*:—Ayes 192; Noes 55: Majority 137.—(Div. List, No. 341.)

Main Question put, and *agreed to.*

Bill read the third time, and *passed.*

QUESTIONS.

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BANKRUPTCY ACT, 1883—THE SMALL BANKRUPTCY CLAUSES.

MR. JOSEPH CHAMBERLAIN (Birmingham, W.) asked the Secretary to the Board of Trade, Whether it is a fact that the Government have appointed a Committee to look into the working of the Small Bankruptcy Clauses of the Bankruptcy Act of 1883; and, if so, whether there is any objection to laying the Report of such Committee upon the Table of the House; and, whether the Government at the same time can lay upon the Table any official information in regard to the working of the Act which abolished imprisonment for debt in Scotland?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): I presume the right hon. Gentleman refers to a Committee which was appointed by the Lord Chancellor to consider the subject of Administration Orders under the 122nd section of the Bankruptcy Act, 1883; and, with his Lordship's concurrence, a copy of the Report of the Committee in question shall be laid on the Table if the right hon. Gentleman will move for it. As regards the latter part of the Question, the Board of Trade will communicate with the Lord Advocate, with a view to obtaining more recent information than they already possess in regard to the working of the Act to which he refers.

RAILWAY PASSENGER DUTY — LIABILITY OF TRAMWAYS.

MR. PICTON (Leicester) asked the Secretary to the Board of Trade, Whether there is now any objection to the production of the legal opinion taken by the Board of Trade in 1880 on the question of liability of tramways to Railway Passenger Duty?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): The same objection which existed in 1880 still exists, as it is contrary to usage to publish the opinions of the

Law Officers. I regret, therefore, that we cannot comply with the hon. Member's request.

INDIA (BOMBAY)—CAMA WOMEN'S HOSPITAL.

Sir JOHN LUBBOCK (London University) asked the Under Secretary of State for India, If he would explain why the appointment of a female medical officer to the Cama Women's Hospital at Bombay was limited to five years, when Government had promised Mr. Cama to carry on the hospital under female superintendence without any limitation as to time; whether there is any reason why the conditions of continuous service and pension should not be assured to female medical officers as to male, in order to secure the service of competent persons for such responsible charges; and, if the doubt thus thrown upon the continuance of the employment of medical women by Government in India has caused the suspension of similar benefactions for the erection of hospitals for women in Western India?

The UNDER SECRETARY of STATE (Sir John Gorst) (Chatham): The reasons given by the Government of India for limiting to five years the appointment of a female medical officer to the Cama Hospital at Bombay were—(1) The possibility of hereafter providing for the maintenance of the Cama Hospital on the grant-in-aid system; (2) The fact that the medical education of women in India is yet only in its infancy, the Secretary of State knows no reason why there should be any difference in the conditions of service of male and female medical officers, and he will commend an equality of treatment to the consideration of the Government of India. The Secretary of State has not heard of the suspension of any benefactions for the erection of hospitals for women in India for the causes stated.

BURMAH (UPPER)—LICENCES FOR THE SALE OF INTOXICATING LIQUORS.

Mr. BRYCE (Aberdeen, S.) asked the Under Secretary of State for India, Whether any licences for the sale of intoxicating spirits have already been issued in Upper Burmah; and whether, if so, some of such licences have been issued in districts where there are few or no Chinese, and the population is purely Burmese; whether Her Majesty's Government will now consent to present to the House the Reports recently received by the Government of India from officers in charge of districts, and other executive officers, in Upper Burmah, relating to the question of issuing licences for the sale of intoxicants and of opium, together with any other Correspondence bearing on the subject which they can properly produce; and, whether Her Majesty's Government will undertake that no licences for the sale of intoxicants or of opium in Upper Burmah shall be issued or (if already issued) be renewed until those Reports have been presented, and until the Regulations under which it is proposed to issue such licences have been laid upon the Table of the House?

The UNDER SECRETARY of STATE (Sir John Gorst) (Chatham): The Secretary of State is informed by the Viceroy that no orders relating either to the sale of opium or spirits in Upper Burmah have been issued since the approval of the Regulation of March 19, 1886. Under this Regulation the sale of opium and spirits to Burmans was prohibited. All licences issued and now subsisting have been issued under Regulation. The Reports referred to have not yet been received by the Secretary of State, and cannot, therefore, now be presented. On their arrival the Secretary of State will consider them and all other communications on the subject, with the view of giving Parliament all possible information. All licences to sell opium or spirits are only issued under condition that these articles shall not be sold to Burmans. The issue of licences cannot, in the opinion of the Secretary of State, be suspended; because then the importation of opium, the manufacture of spirits, and the sale of both would at once be stimulated. The Secretary of State is informed that the whole subject of Burmese opium and liquor traffic is still under the consideration of the Chief Commissioner, and his proposals are not yet before the Government of India. But the Secretary of State will intimate to the Viceroy his opinion that the strongest precautions should be taken to prevent the sale of opium and spirits to Burmans and the issue of licences in places where the population is purely Burman.

Mr. BRYCE assumed that when the Papers were presented, the hon. Gentleman would present also the Regulations which had been made, or were to be made, and a list of the districts in Upper Burmah in which these licences were issued. He would like also to ask, whether the Secretary of State would direct an inquiry in Upper Burmah as to whether, so far as the licences had gone, the Regulations were being strictly observed that there should be no sale to Burmans?

Sir JOHN GORST asked for Notice as regarded the second Question. With regard to the first, he would endeavour to give the information to the House.

DOMINION OF CANADA—THE RECENT PROTECTION DUTIES ON IRON AND STEEL.

Mr. GOURLEY (Sunderland) asked Mr. Chancellor of the Exchequer, If, before committing the Imperial Government in pecuniary responsibility with the Dominion Government for the conveyance of mails *viâ* Halifax to the East, he will stipulate for a modification of the Protection Duties recently imposed upon iron and steel, and intended to diminish the export trade of those goods from this country?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square), in reply, said, he thought that the Dominion Government would deny that the recent Protection Duties had been imposed upon iron and steel with the intention of diminishing the export trade of these goods from this country; but he did admit that the attitude of the Dominion Government towards the trade of this country in general was a fair element to take into consideration in any negotiations with the Canadian Government with respect to matters in which the Canadian Government took a deep interest.

SCIENCE AND ART DEPARTMENT, SOUTH KENSINGTON—MEMORIALS OF ATTENDANTS, &c.

Mr. WHITMORE (Chelsea) asked the Secretary to the Treasury, Whether his attention has been called to the Memorials sent to the Lords of the Treasury by attendants and messengers of the Science and Art Department at South Kensington, in which they petition to be admitted to the benefits of the superannuation, and of the allowances in sickness, which all permanent Civil servants enjoy; and, whether their Petition will not be granted?

The SECRETARY (Mr. Jackson) (Leeds, N.): The question was considered during my Predecessor's term of Office in September, 1885, and by my immediate Predecessor in March last. It was found that the attendants and messengers referred to are included in an official statement of the Science and Art Department of the

"Classes of persons not on the permanent staff, and not having claims to superannuation, and liable to discharge at a moment's notice;"

and this statement is supported by an extract of a Minute of the Science and Art Department of the 17th of March, 1866, which says that as regards persons employed and paid by the hour, expressly including attendants and messengers—

"All payments are for the full value of the services performed, and that no officer has any future claim on the Department."

I cannot go behind this statement by their own Department of the position with regard to superannuation of these attendants and messengers, and, therefore, cannot admit that they have any claim to superannuation. The Rules as to allowances in sickness follow from the decision as to the Memorialists' claims to superannuation; and their position as Civil servants not on the permanent establishment.

IRISH LAND COMMISSION—APPEALS UNHEARD.

Mr. LEA (Londonderry, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If 3,067 appeals *re* fair rent remained unheard by the Land Commissioners on the 30th June last; and, how many of these were from the Province of Ulster?

Mr. M'CARTAN (Down, S.) asked the right hon. Gentleman, if he could say how many fair rent appeals from Ulster there were in respect of town parks adjacent to the towns which the Government had excluded from the benefit of the Irish Land Law Bill?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: I must ask the hon. Member to give Notice of the Question. With regard to the Question on the Paper, the

Land Commissioners report that there were nominally 3,067 appeals pending on the 30th of June; 940 of these were from the Province of Ulster. In about 500 cases, however, there were cross appeals—that is, appeals from both landlord and tenant. The number of appeal cases, therefore, that were practically pending on the 30th of June was about 2,500, and of these 774 were from Ulster.

SCOTCH FISHERY BOARD—DISTRICT FISHERY BOARDS.

Mr. ANDERSON (Elgin and Nairn) asked the Lord Advocate, Whether the Government have considered the following recommendation of the Scotch Fishery Board, contained in their Report presented to the Secretary for Scotland on 2nd May, 1887:—

> "We have come to the conclusion that a general measure, not very extensive in its scope, and purely permissive in its character, ought to be passed for the purpose of enabling fishermen from amongst themselves to organize, under the name of District Fishery Boards, a Local Authority which should be empowered to manage harbours and levy dues to be expended in their repair and maintenance. It is obvious that such a measure would be a great boon to fishermen."—(Report, pp. 24, 25.)

what course the Government intend to take regarding this recommendation, and with regard to the suggested provisions to be contained in such measure set out on page 25 of the Report; has any Bill been prepared by the Secretary for Scotland embodying the foregoing suggestions, or any of them, and when will such Bill be introduced; and, if no such Bill has been prepared, will the Government have one drafted without delay and introduced this Session, so that its provisions may be considered by the fishing community in Scotland during the Recess?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities): The Report of the Fishery Board, though dated 2nd May, could not be finally adjusted till a much later date. The Secretary for Scotland, on receiving it, at once considered the recommendations of the Board referred to in the Question. It is considered that the proposal to establish new Local Authorities, with powers to levy dues on the community, calls for very careful consideration and a very well-matured scheme if other public Bodies and the public generally are to be duly protected; and at this period of the Session, and with impending legislation on local government generally, it would be unwise to frame hastily, and pass through Parliament such a scheme as that suggested.

Dr. CLARK (Caithness) asked, whether the Fishery Board expired this year; and what the Government intended doing in regard to the renewal of it?

[No reply.]

COMMITTEE ON AGRICULTURE—THE HESSIAN FLY IN ESSEX.

Major RASCH (Essex, S.E.) asked the Secretary of State for the Home Department, Whether, with reference to the recent outbreak in Essex, the Government will now state what compensation they will allow farmers, who must cut their corn within a foot of the ear, and burn their straw and chaff, on account of the urgent necessity of immediately destroying the larvæ of the Hessian fly?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): The Government have no power to grant compensation without the assistance of Parliament. They feel the importance and urgency of the question raised by my hon. and gallant Friend; and they have requested the hon. Member for the Maldon Division of Essex (Mr. C. W. Gray) and Mr. Charles Whitehead to report immediately upon the measures it is desirable to take.

LUNATIC ASYLUMS — BROADMOOR CONVICT ASYLUM — LODGING ALLOWANCE.

Sir THOMAS ESMONDE (Dublin Co., S.) asked the Secretary of State for the Home Department, What is the amount of lodging allowance given to married men employed in Broadmoor Convict Asylum; and, whether it is given to all married men?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): Provision is made in the Estimates for allowance in lieu of quarters for 24 members of the Broadmoor Asylum staff at the rate of 3*s.* per week. This allowance is granted only to those married members of the staff who are entitled to quarters, and for whom there are no quarters available on the asylum estate. The hon. Baronet will find full details at page 225 of the Estimates, 1887-8.

COURT OF BANKRUPTCY (IRELAND)—PAY OF COPYISTS.

Mr. CHANCE (Kilkenny, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, under 4 *Geo.* IV. c 61, s. 13, it is illegal to pay a copyist in an Irish Law Court less than 1½*d.* per folio of 72 words; and, whether the copyists in the Irish Court of Bankruptcy have been paid at the rate of 1*d.* only per folio?

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.) (who replied) said, the Act 4 *Geo.* IV. c. 61, did not apply to the Court of Bankruptcy. The payment of copying clerks in that Court was fixed under powers given in the Bankruptcy (Ireland) Amendment Act, 1872, 35 & 36 *Vict.* c. 58.

Mr. CHANCE asked if the hon. Gentleman would take the advice of the Law Officers on the point? If he did, he would find that the Act did apply.

Mr. JACKSON said, he would do so if the hon. Member desired it.

HER MAJESTY'S YEAR OF JUBILEE—THE AMNESTY TO SOLDIERS.

Captain PRICE (Devonport) asked the Secretary of State for War, To what classes of offenders in the Army does the amnesty in connection with Her Majesty's Jubilee extend; how far is the amnesty retrospective in its operation; and, to how many cases will it probably apply?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): The Queen's pardon is extended to all soldiers who, having deserted or absented themselves without leave from the Regular, Militia, or Reserve Forces (including any such who may have again fraudulently or improperly enlisted) before the 17th of June, 1887, the date of the Proclamation, shall confess the offence within two months of that date if at home, or four months if abroad. No estimate can yet be formed of the number of men who will avail themselves of the offer.

HER MAJESTY'S YEAR OF JUBILEE—AMNESTY TO NAVAL OFFENDERS.

Captain PRICE (Devonport) asked the First Lord of the Admiralty, Whether an amnesty in connection with Her Majesty's Jubilee has been extended to any class of offenders in the Royal Navy; if so, to what extent is the amnesty retrospective, and to how many cases will it probably apply?

Colonel WARING asked whether it was a fact that a general amnesty had been refused to the Royal Marines tried by military court martial?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): The only persons belonging to the Navy who received an amnesty in connection with Her Majesty's Jubilee were those who were undergoing imprisonment for offences of leave breaking, and I presume that that will probably include Marines. The number of men released under these conditions is 31.

TRAMWAYS (IRELAND)—THE SCHULL AND SKIBBEREEN TRAMWAY.

Dr. KENNY (Cork, S.) asked Mr. Chancellor of the Exchequer, Whether, considering the admitted hardships from which the ratepayers of East and West Divisions of West Carberry, County Cork, are now suffering by being compelled to pay heavy rates, the rate in the former division being 6*d.* in the £1, and in the latter 10*d.* in the £1, to provide the guaranteed baronial dividend on the Schull and Skibbereen Tramway, which, owing to defects in the construction of the permanent way, and the consequent breakdown in the rolling stock, defects attributed by Judge O'Brien, at the recent Cork Assizes, to the mistakes of public officials, is now idle and earning nothing, he will give a sufficient grant out of the £50,000, reserved under the Budget arrangements for the development of Irish resources, to put the line in working order?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square), in reply, said, the Question should be addressed to the Board of Trade. Without entering into the controversy as to who was responsible, or admitting the allegations made in the Question, he could only say that none of the £50,000 reserved for the development of Irish resources could be applied to the purpose of putting this line in working order. The whole fund had already been allocated, and the details would be seen in the Supplemental

Estimates, which would be immediately presented.

OFFICERS OF INLAND REVENUE, DUBLIN—INCREASE OF SALARY.

Mr. CLANCY (Dublin Co., N.) asked Mr. Chancellor of the Exchequer, What is the number of first-class officers of Inland Revenue in the Dublin district, the number of such officers who will receive an increase of salary under the scheme coming into force on the 1st September next, and the total sum they will receive by way of such increase during the year commencing on that date?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square), in reply, said, there were 50 first-class Inland Revenue officers in the Dublin district. Twenty-four of them would receive an increase of salary under the scheme coming into force on the 1st of September next. The total sum they would receive by way of such increase during the year commencing on that date was £170.

LAW AND JUSTICE (IRELAND)—LOUTH ASSIZES—"KEARNEY *v.* SUPPLE."

Mr. NOLAN (Louth, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the case of "Kearney *v.* Supple," listed for hearing at the Louth Assizes opened at Dundalk on the 6th July; if the defendant "Supple" in this case is Mr. Supple, District Inspector of Constabulary, Dundalk, and the plaintiff a bread van driver in that town; if the cause of action was for assault, battery, and imprisonment; if the defendant, in an affidavit read in open Court before Baron Dowse and Judge Andrews in Dundalk on 10th February last, swore that he did not commit any assault on plaintiff; if the plaintiff, in reply, swore that defendant's statement was absolutely false; if it is true that, in face of his own affidavit and that of plaintiff, the defendant has since settled the case out of Court by paying, or undertaking to pay, the plaintiff the sum of £20 and all costs; and, if the right hon. Gentleman will bring the matter under the notice of the Inspector General of Constabulary?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, Mr. Supple was District Inspector of Constabulary in Dundalk, and the plaintiff was a bread van driver in that town. The action was for assault, battery, and false imprisonment, arising out of an occurrence about six months ago. The defendant did swear that no assault was committed, and the plaintiff swore the contrary. Mr. Supple had settled the case out of Court by the payment of £20 and costs. He stated one of his witnesses was in India, and he was advised to settle the case; moreover, he explained that the action arose out of a practical joke. The Inspector General of Constabulary had the case before him, and he had already severely admonished Mr. Supple, and had cautioned him against a repetition of his conduct.

Mr. DILLON (Mayo, E.) said, he desired very much to ask the right hon. and gallant Gentleman, whether it was a fact that Mr. Supple seized this unfortunate man in his own house, and called in two men to hold him down while he proceeded, against his earnest remonstrance, to clip his beard off, and that Mr. Supple declared that the man's beard was overgrown, and he was determined not to tolerate it any longer? He wished to ask the right hon. and gallant Gentleman also, whether the learned Judges who heard the motion in the case did not condemn, in the strongest manner, the action of the District Inspector of Constabulary; and, finally, he wished to put this question to the right hon. and gallant Gentleman—whether a gentleman who was capable of such conduct as this was considered to be a fit man to be at the head of the police, and in charge of a district?

Colonel KING-HARMAN said, he had already intimated that the Inspector General of Constabulary had severely admonished Mr. Supple after having gone carefully into the case; and he presumed that he considered that a severe reprimand and caution was sufficient. So far as the actual facts of the case went, he believed that Mr. Supple stated that the man's beard was in a very ragged and unkempt condition. He did not in the least exonerate Mr. Supple from serious blame in the matter.

Mr. DILLON gave Notice that on the Estimates he would call attention to this proceding on the part of Mr. Supple.

and many other proceedings of a similar character.

THE MAGISTRACY (IRELAND)—KILKEEL PETTY SESSIONS—BERNARD M'CULLAGH.

Mr. M'CARTAN (Down, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been directed to a paragraph in *The Belfast Northern Whig* of 28th July, headed "Kilkeel Petty Sessions," and stating that "Bernard M'Cullagh was charged at the suit of the Earl of Kilmorey with trespassing, &c.," and that he was fined £1 and 10*s.* costs; whether the Justices who presided were Mr. J. Q. Henry and Mr. Walmsley; whether Mr. Henry is the Earl of Kilmorey's land agent; whether it is in accordance with law or practice for an interested magistrate to occupy a seat on the Bench during the hearing of the case; and, whether he will again direct the attention of the Lord Chancellor to the use which the Earl of Kilmorey and his agent are making of the office of magistrate?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, that Mr. Henry did not preside or adjudicate in the case of Bernard M'Cullagh, who was charged with trespass at the Kilkeel Petty Sessions. On the case being called, Mr. Henry stated publicly in Court that he would not adjudicate in the case, and thereupon he moved away from the other magistrates on the Bench.

Mr. M'CARTAN asked, whether it was not a fact that he actually did sit on the Bench during the hearing of the case; and whether Mr. Justice Crampton laid it down that, under the circumstances, although a person took no part in the proceedings, he was a party to the case?

Colonel KING-HARMAN said, he was not aware of that; but Mr. Henry stated that when the case came on for hearing he moved away from the other magistrates.

ADMIRALTY — COASTGUARD STATION AT FELPHAM, SUSSEX.

Mr. NORRIS (Tower Hamlets, Limehouse) asked the First Lord of the Admiralty, For what number of men the Coastguard station at Felpham, on the coast of Sussex, was constructed; how many are now stationed there, and what duties they perform; if he will state the average number of sailors engaged on Coastguard duty in the United Kingdom; under what Regulations appointments are made to this service, both as to officers and men; and, if the pay of all ranks is the same as on service afloat?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): The Coastguard station at Felpham was constructed to accommodate one officer and 15 men. It is at present occupied by one officer and 10 men, whose duties are to watch the coast for the suppression of smuggling, and for the protection of revenue generally. They also look out for wrecks and protect fisheries. There are about 3,500 men in the force, which is recruited from the Royal Navy by men who volunteer for this service. The pay is not identical with that of the Service afloat, as an allowance for subsistence is given in lieu of provisions; but it is practically the same.

ROYAL PARKS AND PLEASURE GARDENS—KENSINGTON GARDENS.

Sir ROPER LETHBRIDGE (Kensington, N.) asked the First Commissioner of Works, Whether he has considered the various intimations that have been forwarded to him of the wish of the inhabitants of Kensington for improved means of access to Kensington Gardens at the north-west corner of the Gardens; and, whether he will be able to take any steps in the direction of meeting that wish?

The FIRST COMMISSIONER (Mr. Plunket) (Dublin University): I am aware of the wishes of the inhabitants of Kensington mentioned in this Question, and I am very glad to be able to inform my hon. Friend—who has, as I know, long taken an active interest in the subject—that I have received a letter from the Lord Steward informing me that Her Majesty has been graciously pleased to concede to the First Commissioner of Works for the convenience of the public a detached garden adjoining the Bayswater Road, which forms a part of the grounds of Kensington Palace. At present, as many hon. Members are aware, there is an unsightly dead brick wall which shuts off the north-west corner of Kensington Gardens from the Bayswater Road, and the ground lying immediately behind it remains part of the property reserved to the Crown; but now, in consequence of this gracious concession on the part of Her Majesty, I hope, as soon as the necessary arrangements can be made, that the wall will be removed and the plot of ground will be thrown into Kensington Gardens. In this way, not only will the beauty of the gardens be greatly increased, but there will be much more convenient access to the Gardens than before.

HER MAJESTY'S YEAR OF JUBILEE—DEFERRED BUSINESS.

SIR ROPER LETHBRIDGE (Kensington, N.) asked the Secretary of State for War, Whether, in commemoration of the Jubilee of Her Majesty's Reign, he will recommend that the deferred pension now granted to old soldiers over 50 years of age, who have served 15 years, be granted to those who have served 10 years and upwards, but who, through no fault of their own, have been unable to complete the full term of 15 years?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): I can only repeat the reply I gave on the 10th of June—namely, that I am unable to recommend that an increased charge for pensions should be created in honour of Her Majesty's Jubilee.

COAL MINES, &c. REGULATION BILL—EXAMINATION FEES.

MR. CUNNINGHAME GRAHAM (Lanark, N.W.) asked the Secretary of State for the Home Department, Whether he will so amend the new Mines Bill now before the House as to provide that when a candidate makes a pass equal to 60 per cent of the total required the whole of the examination fee of £2 shall be returned to the candidate?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The cost to the public of the Boards of Examination amounted last year to over £1,200, while the examination fees only produced £610. Under the circumstances, I regret that I cannot recommend any remission of fees.

INDIA—THE NATIVE STATE OF MARWAR — COLONEL PAWLETT AND CAPTAIN SARK.

MR. W. REDMOND (Fermanagh, N.) asked the Under Secretary of State for India, Whether he will state the nature of the work upon which Colonel Pawlett and Captain Sark are engaged in Marwar; and, whether it is true that they have interfered with the property of the Thakur Sahib of Anwa; and, if so, what are the reasons for such interference?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): In consequence of a Question put to me by the hon. Member for Flintshire (Mr. S. Smith) on July 4, the Government directed a despatch to be sent inquiring about recent occurrences in Marwar. Until a reply is received, I am afraid I can give no information.

ADMIRALTY—PRINCE LOUIS OF BATTENBERG—H.M.S. "DREADNOUGHT."

MR. W. REDMOND (Fermanagh, N.) asked the First Lord of the Admiralty, Whether, in view of the appointment of Prince Louis of Battenberg to the command of the *Dreadnought*, he will state the date when Prince Louis became a British subject; how long he has served in the Navy; and, what are his experiences and qualifications for the post; and, whether a German has ever before been placed in command of a British man-of-war, over the heads of British officers equally qualified?

MR. CONYBEARE (Cornwall, Camborne) also asked, Whether it is true that Prince Louis of Battenberg has been appointed to the command of H.M.S. *Dreadnought;* and, what special qualifications have entitled a foreigner to be promoted over the heads of some 30 British officers?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): I thought I stated with sufficient clearness yesterday that both the statements contained in the hon. Member's Question, and in that placed on the Paper by another hon. Member (Mr. Conybeare), to the effect that Prince Louis of Battenberg had been appointed to the command of the *Dreadnought,* or had been promoted over the heads of British officers, were untrue. But the hon. Gentleman has put down a fresh Question, in which he makes aspersions on the capacity of a very promising young officer. [*Cries of* "No, no!" *and* "How?"] I will explain. If the hon. Member had, before he put down the Question, ascertained what was the rank of the officer, and what were the functions attached to the rank, he would have saved both the House and me a long explanation of a very simple matter. Prince Louis of Battenberg is not a captain, but holds the rank of a commander in Her Majesty's Navy. Every ship of a certain size and certain complement has a senior executive officer under the captain—a commander, not a lieutenant. A vacancy has recently occurred in the post of commander on board the ship *Dreadnought.* It has always been the practice to give the captain of any ship a voice in the selection of his senior executive officer, because upon the capacity of that officer largely depends the discipline and efficiency of his ship. Captain Stephenson, who commands the *Dreadnought,* applied for Prince Louis of Battenberg to fill the appointment. I may add that another officer who is about to command a large iron-clad in the Mediterranean has made a similar application. Prince Louis entered the Navy in 1868, served at sea as a cadet to midshipman till 1873, when he passed a good examination for lieutenant. All his other examinations have been satisfactory, and he has been well spoken of by every officer under whom he has served. So far from the appointment in question either promoting Prince Louis of Battenberg over the heads of his seniors, or in any way giving him an undue preference, I may say that, at the present moment, there are actually 22 commanders junior to him who hold appointments almost similar to that which has been given to him.

Mr. W. REDMOND: I beg to ask, whether Prince Louis was not appointed simply because he was backed up by the influence of Captain Stephenson, and not because he was better qualified than many British officers? I want to ask, also, whether, when an appointment of this kind is to be made, it is the general practice to give the preference to a foreigner?

Lord GEORGE HAMILTON: To whom?

Mr. W. REDMOND: To a foreigner—to a German.

Lord GEORGE HAMILTON: Certainly not. All officers, after they have become naturalized as British subjects, are treated alike; and the principle on which all these appointments are made is the selection of the most capable officers for the purpose.

Mr. W. REDMOND: In consequence of the answer of the noble Lord, I beg to give Notice that, on the Navy Estimates, I will draw attention to the practice of the Conservative Government in giving preference in appointments in the Public Service to Germans over Englishmen.

Mr. ARTHUR O'CONNOR (Donegal, E.) asked, whether the noble Lord would state the date on which Prince Louis of Battenberg became a British subject?

Lord GEORGE HAMILTON: He became a British subject when he entered Her Majesty's Service.

BOARD OF TRADE—LABOUR STATISTICS—MR. BURNETT.

Mr. BRADLAUGH (Northampton) asked the Secretary to the Board of Trade, Whether Mr. Burnett is now attending solely to the collection of labour statistics, or how is he employed; and, whether any labour statistics will be published before the close of the Session?

The SECRETARY (Baron Henry De Worms) (Liverpool, East Toxteth): Mr. Burnett has not been solely employed on the collection of labour statistics; but has also been employed on the collection of information connected with labour generally, as was the intention when he was originally appointed. Some statistics and a Report in connection with trades unions have this day been circulated, and a further volume of labour statistics is now in the printer's hands, and will be published with the least possible delay.

Mr. MUNDELLA (Sheffield, Brightside): Is it not contemplated that these Labour Reports shall be published at regular intervals?

Baron HENRY DE WORMS: Yes.

Mr. BRADLAUGH expressed himself dissatisfied with the answer, and said that unless he received a distinct pledge on the subject, he should bring up the matter again on the Appropriation Bill.

SUGAR BOUNTIES—AN INTERNATIONAL CONFERENCE.

Mr. KIMBER (Wandsworth) asked the Under Secretary of State for Foreign Affairs, Whether the Government has yet received any replies from Foreign Governments, in response to the recent Circular addressed to them, respecting an International Conference upon the subject of the Sugar Bounties; and, whether he can state the nature of such replies?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): The replies to the Circular invitation addressed by Her Majesty's Government to various Foreign Governments have just begun to arrive. The Governments of Germany and Spain have agreed to take part in the proposed Conference. The Belgian Government has intimated its willingness to do so with a certain condition. No Government has declined to take part.

TECHNICAL INSTRUCTION BILL—INCIDENCE OF EXPENDITURE.

MR. STANLEY LEIGHTON (Shropshire, Oswestry) asked the Vice President of the Committee of Council on Education, What is the estimated amount of expenditure that will be thrown (1) upon the rates, (2) upon the grants administered by the Science and Art Department, if the Bill for promoting Technical Instruction should become Law?

THE VICE PRESIDENT (Sir WILLIAM HART DYKE) (Kent, Dartford): I believe that the building of new schools will be a rare necessity under the Bill, and the establishment of Technical Schools, or Classes, in existing buildings will involve, in my opinion, a very moderate expenditure, which will, no doubt, be largely met by grants from the Science and Art Department, and fees of students. Under the existing directory, the sole increase of grants will be that which is due to the additional number of students admitted by the Act.

PARLIAMENT—MEMBERS BEING OFFICERS OF THE ARMY ON FULL PAY.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the Secretary of State for War, Whether any, and, if so, how many hon. Members of this House are officers in the Army on full pay?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): Yes, Sir; four Members of this House are officers of the Army on full pay.

MR. PICKERSGILL: Will the right hon. Gentleman state their names?

MR. E. STANHOPE: My hon. and gallant Friend the Member for the Newport Division of Shropshire (Lieutenant-Colonel Kenyon-Slaney), my hon. and gallant Friend the Member for Bolton (Colonel Bridgeman), my hon. and gallant Friend the Member for Pontefract (Mr. Winn), and my hon. and gallant Friend the Member for Finsbury (Colonel Duncan).

CEMETERIES CLAUSES ACT, 1848 — CEMETERIES OF BETHNAL GREEN AND OTHERS.

MR. O. V. MORGAN (Battersea) asked the Secretary of State for the Home Department, with regard to the proposed new burial ground for South London, Whether he is aware that the cemeteries of Bethnal Green at Victoria Park, and of Stoke Newington at Abney Park, were sanctioned without an application to Parliament; whether he is aware that by 16 & 17 *Vict.* c. 134, s. 6, it is enacted—

> "When any new site has been selected, an ordinary letter stating the fact and requesting approval of the same shall be addressed to the Home Secretary;"

whether he is aware that the Battersea Burial Board is prepared to carry out any suggestions he may make as to sanitary arrangements; whether he is aware that the Chairman of the Sutton Local Board advocates the establishment of the cemetery as a great boon to the inhabitants of that town; and, whether he is now prepared to give his sanction to the proposed cemetery?

MR. BONSOR (Surrey, Wimbledon) asked, whether the right hon. Gentleman was aware that there was a Resolution on the Minutes of the Sutton Local Board declining to co-operate with the Battersea Burial Board in establishing a cemetery at Rosehill; and, whether he had not that day received a Memorial which had been signed by the clergy, the medical men, and the principal residents of Sutton and the locality against the establishment of the cemetery on sanitary and general grounds?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The cemeteries named in the hon. Member's Question were, I believe, formed under the powers of the Cemeteries Clauses

Act, 1848. The 16 & 17 *Vict.* c. 134, does not, so far as I can discover, contain the words quoted by the hon. Member. My answer to the third and fourth Questions is in the negative. The opening of a new burial ground and burials in Sutton have been prohibited by Order in Council for the protection of the public health; and I am still considering whether I am justified in sanctioning the opening of a new and large cemetery in that district, as to which I am now receiving frequent communications.

POST OFFICE PROSECUTIONS—CRIMINAL LAW PLEADER.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the Postmaster General, Whether an appointment had recently been made to the Office of Criminal Law Pleader to the Post Office; when was the Office established, and what are its functions; and, what is the salary of the Office; or, if paid by fees, what was the amount of the fees last year?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): Draft indictments in Post Office prosecutions have for many years past been settled by a counsel nominated by the Attorney General. The work is paid for by fees in the ordinary way. The total amount of such fees for the year ending December 31, 1886, was £240 13*s*. The gentleman who has for some time past performed the work in question has lately been appointed a stipendiary magistrate. It now rests with the Attorney General to nominate another counsel; but no intimation of any such nomination has yet been received from the Attorney General.

EGYPT — SIR HENRY DRUMMOND WOLFF'S MISSION — THE ANGLO-EGYPTIAN CONVENTION.

DR. CAMERON (Glasgow, College) asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to what purports to be an interview between Sir Henry Drummond Wolff and a representative of *The Observer*, published in that paper on the 31st ultimo, in which Sir Henry Drummond Wolff is represented as expressing the opinion that it is a very doubtful point whether the Sultan had a right to refuse to ratify the Egyptain Convention, and as alleging that he had every reason to believe that the Sultan's refusal to sign the Convention was brought about by France and Russia; and, whether there is any foundation for the statement that Sir Henry Drummond Wolff granted the interview or made the statements alleged to a representative of *The Observer*; and, if so, whether there is any precedent for such a proceeding in the Diplomatic Service?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): Sir Henry Drummond Wolff is not now employed in the Diplomatic Service, his appointment having been special and having terminated. The Secretary of State has not thought it necessary to ask Sir Henry Drummond Wolff whether he made the statements attributed to him. The Papers which are, or will be, immediately in the hands of Members will enable them to form their own opinions upon the points adverted to.

DR. CAMERON: Yes, Sir; but this statement having been made with reference to certain matters which occurred when Sir Henry Drummond Wolff was in the Diplomatic Service, does not the right hon. Gentleman think that, in justice to the Government, he should ascertain whether the statements in *The Observer* are correct or not?

SIR JAMES FERGUSSON: No, Sir. The Secretary of State has not thought it necessary to enter upon that.

MR. LABOUCHERE: I presume the Diplomatic Vote will not be proceeded with until these fresh Papers mentioned by the right hon. Baronet are before the House.

SIR JAMES FERGUSSON: The last of the Papers on the subject will, I hope, be in the hands of hon. Members to-morrow.

CRIMINAL LAW AMENDMENT (IRELAND) ACT — THE PROCLAIMED COUNTIES.

MR. SEXTON (Belfast, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, in any of the 14 counties of Ireland proclaimed under the paragraphs of Section 2 of the Coercion Act, relating to the offences of taking forcible possession, and assaulting ministers of the Law, any offence of either class has been committed since the beginning of the present year; and, whether, with a view to enable the House to test the extent of the alleged necessity for Proclamations under the Coercion Act, the Government will lay upon the Table of the House a Return showing, for each county in Ireland, the names of persons "more or less boycotted," and of persons receiving police protection, with particulars of the nature of each case?

Mr. DE LISLE (Leicestershire, Mid): In reference to the Question of the hon. Member, I desire to put a Question to you, Mr. Speaker, on a point of Order. Is it in Order to introduce into a Question offensive words or nicknames, which, in the opinion of many hon. Members of this House, are calculated to provoke sedition and to bring the law into contempt? In this Question the words "Coercion Act" are used instead of "Criminal Law Amendment Act." I wish to ask, Sir, whether the use of this expression is in Order, and also to call your attention to the fact that the same words which appear to me to be offensive, are used in a Question which is to be asked on a future day?

Mr. SPEAKER: I have no doubt it is by inadvertence that the words to which the hon. Member takes exception appear on the Paper. But I have already given directions that an alteration shall be made in the words which will appear on the Paper to-morrow.

Mr. SEXTON: Are hon. Members to understand that this phrase cannot appear on the Paper of this House, and cannot be used in the course of debate, because, hitherto, it has been the expression commonly used in discussions in this House?

Mr. SPEAKER: I do not go as far as that. I only say that it is not a proper expression to appear on the Paper.

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.) in reply, said, he had no reason to doubt the conclusion arrived at in the first paragraph of the Question so far as it related to the number of offences. He need not explain again to the House what he had already several times explained as to the general grounds on which the particular sub-sections of the particular clause were made general in their application to Ireland. As regarded the second paragraph of the Question, the hon. Gentleman would understand that it would be perfectly impossible for this or any other Government to furnish details and names in reference to cases of Boycotting in justice to the victims, if for no other reason.

Mr. SEXTON said, he did not understand. He wished to ask the right hon. Gentleman whether in these Boycotting offences, or in the circumstances of police protection, there was anything secret, or whether there was any ground for withholding this information from the House?

Mr. A. J. BALFOUR said, he thought that everybody would agree with him that a very serious disadvantage would arise from giving the information.

Mr. SEXTON asked, if the right hon. Gentleman would give a Return, without identifying individuals, showing in each county in Ireland the number of persons Boycotted and the number of persons receiving police protection. That could not hurt anyone.

Mr. A. J. BALFOUR said, he saw no objection to giving the number in a Return; but he must demur to the statement of the hon. Member that the case of the Government rested upon statistics of police protection or Boycotting.

Mr. SEXTON asked, how otherwise the Government justified themselves in the proclamation of 14 counties in respect of offences which they admitted had not been committed in those counties during the year?

Mr. A. J. BALFOUR said, he had already answered the Question of the hon. Member. In his opinion, certain sub-heads of sub-sections in the clause in question might well be made part of the general law of Ireland.

LAND ACTS (IRELAND)—A SELECT COMMITTEE.

Mr. MARUM (Kilkenny, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, When he will be in a position to name a Select Committee or a Commission of Experts, as may be, to inquire into and report upon the question as to family and other charges on land, the subject-matter of paragraph 61 of the Report of four members of the Royal Commission on the Land Acts (Ireland), grounded upon the Minutes of Evidence taken before it?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.) in reply, said, this matter had received the attention of the Government; but no conclusion had been arrived at. He was afraid he could hold out no hope of any definite conclusion being arrived at on the subject.

LAW AND JUSTICE (IRELAND)—QUEEN'S COUNTY SUMMER ASSIZES—THREATENING LETTERS.

MR. W. A. MACDONALD (Queen's Co., Ossory) asked Mr. Attorney General for Ireland, Whether, at the recent Summer Assizes for the Queen's County, a shopkeeper of Portarlington, named Dignam, was indicted for writing a threatening letter and sending it to a Resident Magistrate, Mr. Vesey Fitzgerald; whether the only evidence against him was that of handwriting as attested by District Inspector Warburton, who declared that he did not give his evidence as an expert, and by an assistant Clerk of the Peace named Peake, who is usually employed by the Government; whether the threatening letter denounces Mr. Fitzgerald as an "old Orangeman;" whether Dignam, the alleged writer, is a Protestant; whether the Very Rev. John Wolseley, Protestant Dean of Kildare, and the Rev. G. Y. Cowell, Rector of Lea, came forward and gave him an excellent character, the former declaring that he had known him from his childhood; whether the jury disagreed, and the case was adjourned to the next Assizes; and, whether there is sufficient evidence to justify the Government in placing Dignam a second time upon his trial?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton), in reply, said, he had telegraphed for information with regard to this Question; but he had not yet been able to get it. The facts were accurately stated in the Question. The informations in the case would be, as usual, considered before any further steps were taken.

MR. W. A. MACDONALD said, he would put down the Question again.

NORTH SEA FISHERIES CONVENTION, 1883—THE SMACK "LADY GODIVA."

MR. HENEAGE (Great Grimsby) asked the Secretary to the Board of Trade, Whether he can give any information with regard to the case of the *Lady Godiva*, a Grimsby fishing smack, whose skipper was imprisoned by the German authorities on 13th May for an alleged breach of the North Sea Fisheries Convention, 1883, and is reported to have been released on the 21st of July; whether it is true that a German cruiser fired ball cartridge, which struck the mast, and afterwards ran into the vessel, doing considerable damage; whether the vessel was taken to a German port, in direct contravention of the 30th Article of the above named Convention, and the gear taken out of the vessel, which was then sent home with the remainder of the crew, the skipper being sent to Flensberg, whilst the preliminary proceedings were taken in his absence; whether it is true that the skipper was brought to trial on 21st July, and the case heard and decided without any notice being given to the Consul or Dr. Israel, who had been retained and instructed to defend him at the trial at considerable expense; whether the Board of Trade intend to take any steps to obtain compensation for the heavy loss sustained by the owners, crew, and others connected with the *Lady Godiva*; and, whether Her Majesty's Government will forthwith call the attention of the German Government to the serious infraction of the Articles of the North Sea Fisheries Convention, 1883, by the interference with a vessel whilst sailing in territorial waters without the gear down, as well as the illegal action of the officer in command of the German cruiser in firing ball cartridge into the fishing vessel on the high seas, and taking her into a foreign port, instead of handing the vessel over to an English cruiser, or taking her into an English port, in accordance with the North Sea Fisheries Convention?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): The particulars contained in the Question of the right hon. Member, as regards the circumstances of the arrest of the *Lady Godiva* fishing vessel, are, speaking generally, in accordance with information received at the Board of Trade; but it is understood that she was within the territorial waters of the German Empire. The Regulations of the North Sea Fisheries Convention do not affect this case, as they relate only to waters outside territorial limits. The report of the trial, at which the master of the fishing vessel was acquitted, has not yet been received at the Board of Trade; and until it reaches us I am not able to say what, if any, action with regard to compensation the Board of Trade may advise the Foreign Office to take in the matter.

IRISH LAND LAW BILL—OCCUPIERS OF TOWN PARKS.

MR. PINKERTON (Galway) asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been drawn to the following Resolution, adopted at a public meeting of the inhabitants of Ballymoney (North Antrim), on the motion of Mr. W. J. Cameron, seconded by Mr. William Thompson—

> "That all occupiers of town parks, where the population does not exceed 5,000, as recommended by the Cowper Commission, should be empowered to enter the Land Court to have fair rents fixed, and that unless the Land Bill be amended to this effect gross injustice will be done to a large and industrious section of the community;"

and, whether, on Report, he will be prepared to accede to this request?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.), in reply, said, his attention had been called to the subject-matter of the Question. The hon. Gentleman was, perhaps, aware that the whole question had been discussed at length in the House, and subsequently divided upon; and it was not the intention of the Government to re-open the decision then arrived at.

METROPOLITAN BOARD OF WORKS—ALLEGED CORRUPTION.

MR. J. ROWLANDS (Finsbury, E.) asked the First Lord of the Treasury, Whether his attention has been called to the debate at the Metropolitan Board of Works on Friday last, and to the statement of Mr. Lawrence that "after long inquiry he had come to the sorrowful conclusion that the office was corrupt;" whether his attention has been drawn further to the fact that a motion was made requesting the Government to appoint a Commission to inquire into the past dealing of the Board with respect to land, &c., and that such motion was only defeated by 17 to 16; and, whether, under these altered circumstances, he will re-consider his determination not to recommend the appointment of such a Commission?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster), in reply, said, the attention of the Government had been called to a debate of the Metropolitan Board of Works which resulted, as he had been informed, in the appointment of a Committee to investigate the charges of corruption made against officials of the Board. The Government were aware of the serious character of the allegations contained in those charges; but, seeing that a Committee had been appointed, they must reserve to themselves time to consider whether it would be necessary to take any further steps. The hon. Member recommended or suggested a Royal Commission. He was aware probably that an Act of Parliament required to be passed in order to give a Royal Commission power to examine witnesses on oath.

MR. SEXTON (Belfast, W.) asked whether, pending the Report of the Board's Committee, and the Government deciding what ought to be done, any further progress would be made with the Bill extending the borrowing powers of the Metropolitan Board of Works?

MR. W. H. SMITH said, it was quite obvious that that Bill must proceed, unless all the works which had been undertaken in the Metropolis were to be suspended during the next year. The passing of the Bill could have little to do with the question whether there was corruption, which ought to be punished, in the Office of the Metropolitan Board of Works. He was quite sure hon. Members would not desire to put an entire stop to the improvements in London for a whole year.

MR. T. P. O'CONNOR (Liverpool, Scotland) asked whether, if the First Lord of the Treasury should discover by the usual means that there was a general agreement in the House in favour of the Commission, he would be disposed to bring in a Bill to give the necessary powers to a Royal Commission?

MR. W. H. SMITH said, so serious a matter as the appointment of a Royal Commission, with statutory powers to investigate the conduct of officials in the Office of the Metropolitan Board of Works, required notice and consideration before it could be answered.

Mr. T. P. O'CONNOR said, he would repeat the Question on Friday.

Mr. DIXON-HARTLAND (Middlesex, Uxbridge) asked, if the Home Secretary could now answer his Question as to whether he would continue to reply to Questions affecting the Board of Works which might be put in the House?

The SECRETARY of STATE for the HOME DEPARTMENT (Mr. Matthews) (Birmingham, E.) said, he had communicated with the Chairman of the Board of Works, and had pointed out that he thought it was not convenient for the Home Department to answer Questions in that House for the Metropolitan Board of Works.

INDIA — EAST INDIA REVENUE ACCOUNTS—THE ANNUAL FINANCIAL STATEMENT — AN EXPLANATORY MEMORANDUM.

General Sir GEORGE BALFOUR (Kincardine) asked the First Lord of the Treasury, To use influence with the India Office to issue, as early as possible, an explanatory Memorandum on the affairs of India, and thereby enable the Under Secretary to shorten his speech when opening the India Budget?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster) said, he was glad to tell his hon. and gallant Friend that the Under Secretary had already prepared a Memorandum, and that it would be distributed some days before the Budget Statement.

BUSINESS OF THE HOUSE—LEGISLATION FOR SCOTLAND.

Dr. CAMERON (Glasgow, College) asked the First Lord of the Treasury, When the Sheriffs Consolidation Bill for Scotland, which he has coupled with the County Courts Consolidation Bill for England, as measures intended to be pressed forward this Session, will be introduced; and, whether in this House or "another place?"

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): I have to apologize to the House for a misstatement into which I fell yesterday. In referring to the Sheriffs Consolidation Bill, I was under the impression that that Bill referred to a Bill consolidating all the Acts relating to Sheriffs in Scotland. It relates to Acts concerning Sheriffs in England, and I am sorry to say that I was led into a mistake in the matter. Under these circumstances, I wish to repeat that no such Bill will be introduced either in this House or in "another place." I may also refer, if the House will permit me, to Scotch Business generally. My right hon. and learned Friend the Lord Advocate will confer with hon. Members connected with Scotland, and will endeavour to arrive at an understanding with them as to the measures which they think may fitly be passed in the course of the present Session; and the Government will not endeavour to press any measure for which, in their judgment, sufficient time for consideration will not be afforded between now and the prorogation.

Mr. E. ROBERTSON (Dundee): Is the right hon. Gentleman now prepared to say how long the Session is likely to last?

Mr. W. H. SMITH: I think the hon. and learned Gentleman has better means of information than I possess. I hope it will not be a very protracted Session; but I am not able to say how long the Session will last.

HOME DEFENCES—THE OPERATIONS OF THE NAVAL FORCE.

Captain PRICE (Devonport): I beg to ask the First Lord of the Admiralty, If he can impart to the House any information as to the operations of the Naval Force at present supposed to be threatening our shores?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): I have received a telegram on the subject; but it is one so alarming in its nature that I must explain its meaning in a few sentences. After the Review was over on Saturday week the Fleet were despatched to different parts of the coast, and on Monday morning the Force was divided into defending and attacking squadrons. Of the first result of the operations the following telegram from Falmouth was received yesterday:—

> "Noon, Tuesday. Falmouth taken, forts destroyed, 19 large merchant ships captured. Coal, stores, and numerous small craft burnt."

Captain PRICE: After the serious information imparted to the House, I wish to ask my noble Friend if he and his Colleagues intend to consider their position?

BELFAST GOVERNMENT BILL.

Mr. SEXTON (Belfast, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, with reference to the statement on the previous day that the Government were anxious to pass the Belfast Government Bill, Whether the right hon. Gentleman could account for the Under Secretary to the Lord Lieutenant postponing the measure till Thursday next, having already postponed it from Wednesday last till Monday; and, whether the right hon. Gentleman will give any assurance whether further opportunities of proceeding with the Bill would not be defeated by the action of the Under Secretary?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.), in reply, said, he was not in the House when the occurrence passed, and he referred the hon. Gentleman to the Under Secretary?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) said, he thought the matter was very simple. On the first occasion when this Bill came before the House the hon. Member for West Belfast expressed his anxiety that it should proceed with all possible despatch. A proof of this anxiety was that at 2 o'clock in the morning the House was kept in a desultory wrangle for two and three quarter hours. After that he did not think he was justified in bringing it forward after 2 o'clock in the morning.

MR. SEXTON asked, whether the right hon. and gallant Gentleman would proceed with the Bill on the next occasion it came on?

COLONEL KING-HARMAN: If it comes on at a reasonable hour.

MR. SEXTON: What will be a reasonable hour?

COLONEL KING-HARMAN: I think a good deal depends upon the temper of the House.

ORDER—REFLECTIONS ON A MEMBER OF THIS HOUSE—MR. DILLON AND "THE TROWBRIDGE CHRONICLE."

PERSONAL EXPLANATION.

MR. DILLON (Mayo, E.): I desire, Sir, to offer a few words of explanation in regard to a matter concerning myself. I have here a newspaper—*The Trowbridge Chronicle*—in which I find the following statement:—

> "In answer to a Question in the House of Commons regarding an attack made upon a party of school children in the neighbourhood of Belfast, it was stated that several children were struck with stones, and one young lady, a teacher, who was the daughter of Lord Sligo's agent, was seriously hurt. 'Hear, hear!' shouted the Irish Members; 'Hear, hear!' shouted Mr. John Dillon, amid cries of 'Shame!' from all parts of the House. Mr. John Dillon shouts for joy because a poor school teacher has been cruelly struck down with a stone in an attack upon some school children."

Now, Sir, I make it a rule never to take notice of the language of newspapers of this character; and the only reason why I have thought it right to bring this peculiarly offensive and disgusting falsehood before the House is because it is not only untrue, but——

MR. HALSEY (Herts, Watford): It is true.

MR. DILLON: Who says it is true? Mr. Speaker, I distinctly heard the Solicitor General for England say, "It is true." I say that it is absolutely false.

THE SOLICITOR GENERAL (Sir EDWARD CLARKE) (Plymouth): The hon. Member is entirely mistaken. I did not utter a single word.

MR. DILLON: Then the exclamation came from some hon. Member immediately behind the hon. and learned Gentleman.

MR. HALSEY: I was the hon. Member who said it was true. It is true, and I adhere to it. All I have to say is that I distinctly remember the occurrence. I was in my place at the time, and I distinctly heard what took place.

MR. DILLON: Then I say it is false, whoever said it.

MR. R. G. WEBSTER (St. Pancras, E.): I may say that I also distinctly heard it.

MR. J. M. MACLEAN (Oldham): I also heard it, and say it is true.

CAPTAIN PRICE (Devonport): I heard it also.

MR. DILLON: I repeat that it is false, whoever says it. The reason why I have brought the matter under the attention of the House is that I suspected it was some hon. Member of the House who supplied the statement to the newspaper. I have had reason to suspect it, and it is an instance of the infamous and atrocious falsehoods by which it is intended to hunt us out of public life.

MR. SPEAKER: Order, order! The hon. Member is not entitled to make such charges against Members of this House.

MR. DILLON: You have heard, Sir, the atrocious nature of the charge made against me.

MR. SPEAKER: I have heard the hon. Member make charges on a subject which is not within my knowledge, and which has given offence to the hon. Member; but he has himself no right to make such a charge against other hon. Members as that which he has just made.

MR. DILLON: You have heard hon. Members make a charge against me which I have distinctly declared to be untrue. The charge I make is this. I was reading out this passage from a newspaper, and I had reason to suppose that the information on which the passage was founded was supplied by a Member of this House. No more atrociously offensive accusation could be made against any Member of this House; and while I was reading it, I heard an hon. Member distinctly say across the House, "It is true," thus fully bearing out the suspicion which existed in my mind. Immediately afterwards, four hon. Members stood up on that side of the House, and repeated distinctly, "It is true." Now, what I want to put to you, Sir, is this. Are we Irish Members to have any protection in this House, or are we not? You have heard the charges made, and I leave it to hon. Members to say whether it could enter into the imagination of man to make a charge more offensive. I have heard you call Members to Order, and afford protection to other Members against the use of language which, by the side of this charge, sinks into absolute insignificance; and yet, Sir, four hon. Members stand up and say that an accusation which I have distinctly repudiated is true.

MR. SPEAKER: Order, order! I am the judge of Order in this House. I did not understand that any of the hon. Gentlemen who rose imputed to the hon. Gentleman that what he was then stating was not true. I understood that they gave their version of what passed; and after the statement of the hon. Gentleman, I am quite satisfied that the whole House will believe him when he says that he did nothing of the kind attributed to him in that paper; and I am confident that not one of these four Gentlemen will say that his statement is not to be believed.

MR. DILLON: I would respectfully ask you, Sir, this question. I read out the charge made against me—a charge of a most foul and dishonouring character. I said that that charge was untrue; and then these four hon. Gentlemen rose in their places, one after another, and gave me the lie direct, and said that it was true.

MR. J. M. MACLEAN, on rising, was received with cries of "Oh!" from the Irish Benches. The hon. Member said: I demand to be heard. [*Cries of* "Order!] Surely we are not to sit still here for ever while such monstrous accusations are made against us in this House by hon. Members from Ireland. [*Cries from the Opposition Benches below the Gangway of* "Order!"] Order, yourself.

MR. SPEAKER: I must ask hon. Gentlemen to conduct the proceedings of this House with proper decorum. If the hon. Gentleman wishes to make an explanation, I am sure the House will listen to him.

MR. J. M. MACLEAN: I have no explanation to make, Sir; but I rise to state what actually passed on these Benches just now. The hon. Member for East Mayo was making a statement in regard to himself, and what we rose to testify to was the fact that when the question was raised in the House, laughter came from those Benches at the mention of an assault made upon this girl. We indignantly called out "Shame!" at the time. That passage appeared, I believe, in the newspapers on the following day. I have not got them at hand, but I have no doubt the passage appeared in *The Times* and other newspaper reports. Laughter was undoubtedly raised by certain Irish Members. As the hon. Member for East Mayo says that he did not join in it, of course I acquit him; but laughter was raised on those Benches, and we met it with the cries of "Shame!" which it deserved.

MR. DILLON and MR. R. G. WEBSTER rose together. [*Cries of* "Order!"]

MR. SPEAKER called upon Mr. Dillon.

MR. R. G. WEBSTER: I rise to corroborate the statement of my hon. Friend. [*Cries of* "Order!"] I am rising to a point of Order——

MR. SPEAKER: Mr. Dillon.

Mr. DILLON: I was in possession of the House, but I gave way to the hon. Member for Oldham (Mr. J. M. Maclean), because I understood that he rose to a point of Order; and I gave way to him because he seemed anxious to make an explanation. He has, however, misrepresented what occurred. I am most anxious that the House should clearly understand what it is that I ask at your hands. The statement in the newspapers was this—

> "In answer to a Question in the House of Commons regarding an attack made upon a party of school children in the neighbourhood of Belfast, it was stated that several children were struck with stones, and one young lady, a teacher, who was the daughter of Lord Sligo's agent, was seriously hurt. 'Hear, hear!' shouted the Irish Members; 'Hear, hear!' shouted Mr John Dillon, amid cries of 'Shame!' from all parts of the House. Mr. John Dillon shouts for joy because a poor school teacher has been cruelly struck down with a stone in an attack upon some school children."

That, Sir, was the statement which I was reading, and hon. Members opposite said that it was true. Four hon. Members got up one after another, and, in the face of my contradiction, they stated it was true. I say that if accusations of that character are allowed to be hurled against us in this House, there is an end to all public decency and order.

Mr. SPEAKER: The language quoted from the newspaper is not justified by what has been said in this House. Hon. Members have said that they did hear laughter, but that laughter need not be interpreted in the offensive sense in which the newspaper makes use of it. As I said before, the hon. Member repudiates the statement contained in the newspaper, and I am sure the House will accept his repudiation.

Mr. DILLON: I must respectfully ask the protection of the Chair. There is no question here of laughter. The statement the hon. Members affirm, in spite of my contradiction, is that I cried "Hear, hear!" with savage exultation because a young girl had been struck down with a stone. I do not want to use un-Parliamentary language; but I put it to you, Sir, whether it is fair, or even justice, to be compelled to listen to these charges.

Mr. SPEAKER: Order, order! Fair and even justice I shall administer. I have endeavoured to point out to the hon. Member that I put an interpretation on the meaning of the four hon. Members who rose, and one of them has since stated distinctly that he acquits the hon. Gentlaman of the imputation made by this newspaper. I now beg the House to allow the matter to drop.

Mr. DILLON again rose amid cries of "Order!" He said: I regret to have to address you again in reference to this matter; but I must ask you, Sir, whether you will require those hon. Members to withdraw?

Mr. SPEAKER: Order, order!

Mr. DILLON: Well, then, all I can say is——

Mr. SPEAKER: Order, order! I have settled the point.

Mr. DILLON: All I can say is there is one measure of justice in this House for——

Mr. SPEAKER: Order, order!

Mr. DILLON: There is one measure of justice for one Party, where Irish Members are concerned, and another for another. [*Cries of* "Order!"]

Mr. SPEAKER: I did not catch the observation of the hon. Member. I have settled the point of Order. I think that I have settled it in a way that will be satisfactory to the House.

ORDERS OF THE DAY.

——o——

IRISH LAND LAW [INTEREST ON LOANS].—REPORT.

Resolutions [August 1] *reported*—

"That it is expedient to authorize,—

"(1.) That the interest payable on Loans advanced out of the Consolidated Fund by the Commissioners of Works in Ireland and by the Irish Land Commissioners, for the purchase of holdings be reduced from 3½ per centum per annum to 3⅛ per centum per annum;

"(2.) That, on payment of a certain portion of any arrears due, the remainder of such arrears shall be repayable by such addition to the amount of the annuity for repaying, the advance, as will repay the said remainder with interest at the rate of 3⅛ per centum per annum."

Mr. CHANCE (Kilkenny, S.) asked if the terms of the Resolutions would not prevent certain Amendments in the name of the hon. Member for East Mayo (Mr. Dillon) from being moved?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square) said, the Resolutions would not prevent the moving of the Amendments referred to.

In reply to Mr. O'Doherty,

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster) explained that the Resolutions only authorized a reduction in the rate of interest.

Resolutions *agreed to.*

IRISH LAND LAW BILL [*Lords.*]

[BILL 308.]

(*Mr. A. J. Balfour.*)

COMMITTEE. [*Progress 1st August.*]

[SEVENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

Equitable Jurisdiction.

Clause 24 (Statement of particulars).

Motion made, and Question proposed, "That the Clause stand part of the Bill."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): On the part of the Government, I have to say that we are prepared to drop this and succeeding clauses, on the understanding—and I hope that our motives will not be misinterpreted—that hon. Members who desire to extend the scope of the Bill by themselves bringing forward clauses of importance will meet the Government on their part, and will not prolong discussion upon extraneous suggestions.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I very much regret that these clauses are to be dropped. I have taken a very great interest in the Bill; but the interest has been very much diminished since the measure has been so much emasculated, because I find that hon. Members from Ireland will not give up one jot or tittle of the pound of flesh of any one of the creditors. In my opinion, the intimation which the right hon. Gentleman the Chief Secretary has given of the intention of the Government to drop out the Bankruptcy Clauses will render necessary some other provisions relating more particularly to arrears, for that is a matter which must necessarily be dealt with. I am, therefore, unable to enter into any undertaking whatever not to move Amendments.

MR. O'DOHERTY (Donegal, N.): I am quite prepared to intimate that I have some Amendments which ought to be discussed. There is one Amendment particularly which I shall feel obliged to put to the Committee, in order that the improvements of the leaseholders shall not be confiscated. I consider that to be an absolutely vital question.

Question put, and *negatived.*

Question, That Clause 25 (Power in certain cases to continue tenant in his holding notwithstanding bankruptcy); Clause 26 (Power to appoint an additional staff of Judges for bankruptcy); Clause 27 (Sittings); Clause 28 (Summary punishment for perjury and frauds); and Clause 29 (Officers), stand part of the Bill, put, and *negatived.*

Clause 30 (Appeals).

Motion made, and Question proposed, "That the Clause stand part of the Bill."

MR. MAURICE HEALY (Cork): I understand that the right hon. Gentleman the Chief Secretary for Ireland intends to withdraw this clause, as simply antecedent to others which it is proposed to withdraw.

MR. A. J. BALFOUR: We propose to retain the clause, and to make it applicable to the other parts of the Bill.

MR. MAURICE HEALY: Will the right hon. Gentleman be good enough to tell the Committee what the object of this clause is apart from the rest?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): Hon. Members below the Gangway have constantly been in the habit of saying that they do not trust the County Court Judges; and we, therefore, provide that there should be an appeal, on both sides, from the decision of County Court Judges. Taken in connection with Section 22, this may be a matter of vital importance.

MR. MAURICE HEALY: I understand the right hon. and learned Gentleman to say that this clause is merely an appendage to Clause 22. Now, I challenge the right hon. and learned Gentleman to say under what other clause of the Bill, except Clause 22, this clause can be operative. Then what necessity is there for inserting the clause? The Act of 1881 permits an appeal from the decision of a Judge, including a County Court Judge. [Mr. GIBSON dissented.] The right hon. Gentleman shakes his head, but I hope I may be permitted to claim to know as much about the practice in the Courts as he does, and I say that there is an appeal at the present moment from every decision of a County Court Judge under the Act of 1852. If Clause 22 is the only clause affected, it will merely be necessary to insert a Proviso in Clause 22 without enacting a distinct clause. The right hon. and learned Gentleman is now raising an important question, upon which, I think, it is quite possible my hon. Friend the Member for East Mayo (Mr. Dillon) will have something to say. I would, therefore, ask the right hon. and learned Gentleman to tell us under what other clause of the Bill, except Clause 22, this power of appeal can be operative?

THE CHAIRMAN: I must point out that the hon. Member is not discussing the Question before the Committee. The question he raises can be discussed on the distinct Question that the clause stand part of the Bill.

Amendment proposed, in page 20, line 36, to leave out all the words after "The Civil Bill Courts (Ireland) Act, 1851."

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived.*

Question proposed, "That the Clause, as amended, stand part of the Bill."

MR. CHANCE (Kilkenny, S.): As there is no question of principle involved, I would ask the right hon. Gentleman the Chief Secretary to let this clause go now, and on the Report stage to add to Clause 22 all the words that are necessary. I think that would facilitate very much the proceedings of the Committee.

MR. GIBSON: I think it will be better to insert the clause as amended.

Question put, and *agreed to.*

Clause 31 (Court valuers in county courts).

MR. BLANE (Armagh, S.): I beg to move, in lines 41 and 42, to leave out the words "subject to the approval of the Lord Lieutenant." My object is to provide that the Land Commission may, from time to time, appoint independent valuers, who will not be subject to the approval of the Lord Lieutenant, as stated in the clause.

Amendment proposed, in page 20, lines 41 and 42, to leave out the words "subject to the approval of the Lord Lieutenant."—(*Mr. Blane.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I think it is desirable that this power should be exercised, and for this reason—that it may be necessary for the County Court Judges to appoint a valuer, having regard to Clause 3 of the Bill.

MR. O'DOHERTY (Donegal, N.): The feeling in Ulster against Court valuers has been so strong that the valuers have had to be withdrawn. These gentlemen have been trained up to the raising of rents in Ireland, and they are in the constant employment of the landlords, which fact has been the cause of much of the trouble which has arisen in Ireland. Such a thing as the appointment of an independent valuer is impossible, and if the Government do not wish to make the whole Bill inoperative they will strike this clause out.

MR. CHANCE (Kilkenny, S.): I have not a word to say against the County Court Judges. The object of the clause is to allow the County Court Judges to appoint valuers subject to the approval of the Lord Lieutenant. I trust for the sake of the tenants, the peace of the country, and the interests of the British taxpayer, that these mischief-making officials will not be appointed.

MR. T. W. RUSSELL (Tyrone, S.): I would appeal to the Government not to waste any further time, and I would suggest whether it is worth their while to adhere to the clause at all.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) Manchester, E.): If any machinery of this kind is provided, we shall leave the Court without any means of forming an independent judgment. It seems to me, though, that if a Court valuer is appointed, he must be employed by the County Court Judge, whether he likes it or not. I apprehend that that is not the case. There are valuers paid by the job if the Court thinks that their services are required. The valuers appointed by the Executive Government will be paid only when their services are required, so that any apprehension that the County Court Judge, who knows all the facts of the case, will be obliged, against his will, to take the opinion of the Court valuer, who may know less about the matter than himself, is altogether illusory. I hope, however, that there will be no attempt to deprive the County Court of the power of securing, when necessary, the services of a Court valuer.

THE CHAIRMAN: Order, order! The discussion is now being taken upon the whole clause, and not upon the Amendment.

MR. CHANCE: May I point out that if the Lord Lieutenant is allowed to appoint the Court valuers, the Government will be preventing the County Court Judge from obtaining what, at least, he may deem to be the opinion of an independent Court valuer?

MR. O'NEILL (Antrim, Mid): The words "subject to the approval of the Lord Lieutenant" make the clause nothing more than a patronage clause. Court valuers appointed under such circumstances would be entirely the creatures of the Executive Government, and, therefore, I hope that these words will be omitted.

MR. A. J. BALFOUR: Personally, I have no objection to leave out the words.

LORD RANDOLPH CHURCHILL (Paddington, S.): That would make the matter fifty thousand times worse. I am opposed to the Amendment, and I hope the Government will not consent to it. I would rather give the Lord Lieutenant the power of appointing a Court valuer on the application of the Land Commission. But does the right hon. Gentleman the Chief Secretary think that the clause is absolutely necessary, and is it worth while fighting over it? Does not the right hon. Gentleman think that this offers a fair opportunity to the Government for showing that they are not indifferent to the expenditure of public money? To take power to appoint persons who may not be wanted is hardly an economical way of administering the public funds. I do not think we should put in a clause of this kind, unless it is perfectly clear in our own mind that these officials will be wanted. I therefore appeal to the Government either to drop the clause or to bring it up again on the Report stage, or to strengthen it by giving the Lord Lieutenant power to appoint Court valuers on the application of the Land Commission, or to alter the entire structure of the clause.

MR. A. J. BALFOUR: My noble Friend says that Court valuers will not be wanted, and he objects to waste the public money on persons whose services may never be called into requisition. Now, as I understand the matter, it is simply when the Court requires the services of a valuer that the valuer will be paid. He will only be paid when he is wanted. I quite sympathize with the view of my noble Friend as to economy in connection with the administration of the public funds; but I must remind the Committee that these men are not going to eat off their heads in doing nothing, and that we are not going to saddle the Exchequer with payment for services that are not required. If we were, I should entirely agree with the view of my noble Friend. I think, however, that he misunderstands the meaning of the clause; and the effect of rejecting it would be to deprive the Court of services which it may stand very much in need of.

MR. BLANE: I understand that the right hon. Gentleman the Chief Secretary gave up the whole contention some time ago. We all know how the influence of patronage is likely to work.

THE CHAIRMAN: The hon. Gentleman is now straying away from the Question, which is that the words proposed to be left out stand part of the clause.

MR. LEA (Londonderry, S.): I should like to ask the right hon. Gentleman the Chief Secretary what the method of procedure is if the County Court Judge think he requires the services of a Court valuer? Is he to apply to the Lord Lieutenant, who is then to nominate a Court valuer, who is to place his services at the disposal of the County Court Judge? I think that is a very roundabout way of doing business.

CAPTAIN COLOMB (Tower Hamlets, Bow, &c.): I do not think that any sensible man can object to the County Court Judge having power to call in a valuer in a case where he thinks it desirable, in the interests of justice, that a valuer should be appointed. That I understand to be the only meaning of the clause.

MR. T. W. RUSSELL: I do not think there is any such person as an independent valuer either on one side or the other.

DR. TANNER (Cork Co., Mid): I understood the right hon. Gentleman the Chief Secretary just now to state that he would accept the Amendment; but since then he seems to have reconsidered his decision. I should like to know what he is really going to do.

Mr. A. J. BALFOUR: I said that, so far as I was personally concerned, I had no objection to omit the words "subject to the approval of the Lord Lieutenant;" but since then I find that the Committee are not at all agreed upon the subject.

Question put, and *agreed to.*

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

Mr. MAURICE HEALY: The question involved in this clause is not whether the County Court Judge should have the power to call in a valuer, but whether the valuer when called in should be paid by the State or by the litigants. I think that is a material point. The clause appears to be taken from one of the sections of the Land Act, and the right hon. Gentleman the Chief Secretary has told us that under the existing law the County Court Judge has no power to call in a valuer. Now, that is not the fact; and I say so not merely from my knowledge of the Act of Parliament, but from my knowledge of the practice of the Courts. I have seen a dozen cases of this kind before the County Court. The County Court Judge says that he requires a valuer; and having made that intimation to the parties, a valuer is appointed, and the cost is divided between them. Anybody who reads the clause will see that it is proposed to be inserted not for the purpose of enabling the County Court Judge to do what he has the power of doing now, but to enable litigants to secure the service of a valuer free. The only defence which can be put up for it is that it will assimilate the practice of the County Court to that of the Land Commission. That is, no doubt, true; but but I say that it ought to take the converse form, and the Government ought to assimilate the practice of the Land Court to that of the County Court. I think I am borne out in the contention by the history of the Land Commission. What is that history? In the first place, the appointment of a valuer by the Land Commission is only used in the case of an appeal; he is never used in the Court below, and for a very good reason—because in the Court below there are two Sub-Commissioners, gentlemen who are not supposed to be lawyers, but persons conversant with the value of land, who go on it and inspect it and make the appointment of a valuer unnecessary. Certainly, the power of calling in a land valuer in connection with the Land Commission is only exercised in case of an appeal. Every day that has passed since the Land Act came into operation has tended more and more to discredit the system of calling in a land valuer. There have been three different periods in the history of the valuer of the Land Commissioners' Court. For the first couple of years after the Land Act passed, a valuer was appointed as a matter of course, at the expense of the State, with the result that the landlords appealed by thousands. They knew, whether they wanted valuers or not, that they would get the report of the valuers free, and then they were able to decide within a few days before the case came on for hearing whether they were likely to gain anything by going on with the appeal or not. That was the first era, and it had the effect of multiplying appeals enormously. In the second period the Court made the parties pay the expenses. They passed a rule that no valuer should be appointed unless at the request of one of the parties, and the party so requesting the appointment was required to pay the expense of the valuer. That state of things continued for about a year, and then the third period came. The Land Commissioners arrived at the conclusion that they would not have any valuer at all, and that state of things has existed for the last 12 months. With such a history as that with regard to the Land Commission, why should the Government seriously propose to go back on the experience of that Commission? Nothing has tended to discredit the Land Commission more than the use of these valuers. Over and over again, by a device of some sort or other, the Land Commissioners have endeavoured to make the Court valuers popular, and they have always failed. The provision for the appointment of valuers really fell still-born. The provision has never been put in force, because nobody has had the slightest confidence in a Court valuer. I therefore think that is a monstrous proposal to attempt to thrust upon the County Court Judges a valuer of this kind.

COLONEL WARING (Down, N.): I hope the Government will not give way upon this clause. I think it would be improper to take away any portion of the protection which in common fairness has been given to the landlord. The hon. Member has moved the Amendment solely in the interests of the tenants. Where the property of the landlord is concerned, I think that it should be dealt with by persons who understand what they are doing, and it is quite certain that a lawyer whose experience of the law may be very large may have very small capacity for forming a judgment as to the value of land. There may be some of the County Court Judges who to some extent are acquainted with the value of land; but with regard to a large number of them, they are as unfit to give an opinion upon the value of land as they would have been to take command of the Fleet that was assembled at Spithead the other day.

MR. A. J. BALFOUR: I hope that this discussion will not degenerate into a wrangle as to the comparative interests of landlords and tenants. The Government do not recommend the proposal in the interests of the landlord, but simply to enable the Judge to take the advice of an expert, because without that advice he would in many cases be rendered helpless.

MR. MAURICE HEALY: He can get it already.

MR. A. J. BALFOUR: No doubt, in the case of an appeal to the Land Commission, a valuer is sometimes sent down. That is constantly done, I believe.

MR. MAURICE HEALY: It has not been done for 12 months.

MR. A. J. BALFOUR: Yes, very recently.

MR. MAURICE HEALY: The Land Commissioners have passed a Rule against it.

MR. A. J. BALFOUR: All that is asked is that if there is a dispute in regard to value, it shall be submitted to some practical agriculturist. Surely, we ought not to deprive the County Court Judge, who is only a lawyer, of some means of arriving at the value of agricultural land, in regard to which he may have had no evidence before him at all.

MR. CHANCE: I quite agree with the right hon. Gentleman that it would be wrong to deprive the County Court Judge of the power of getting independent evidence, but our contention is that he already possesses that power, and the hon. and gallant Member for North Down (Colonel Waring) may rest perfectly satisfied that there does exist such a power under Section 37 of the Land Act of 1881. By Sub-section 6 of that clause ample power is given to the Court, whether it be the County Court Judge or a Sub-Commissioner, to require that the valuer should investigate the circumstances of the holding. The whole point we are fighting now is whether the County Court Judge himself should have the power of appointing the valuer which he has at present at the expense of the parties, or whether the Lord Lieutenant of Ireland shall be entitled to appoint the official who is to be the sole official the County Court Judge may employ. Now I would ask, on every principle of fair play, if it is not more desirable, even in the interest of the landlords themselves, to allow the County Court Judge on the spot, who knows the valuers in the district, and is acquainted with the men who would be most suitable, to appoint the valuer, and also whether it will not be fair play, when such person is appointed and the valuation taken, that the expense shall be paid by the persons who require the valuation to be made? I think we should be introducing a new and dangerous principle, if we require the Executive Government to appoint the valuer and then call upon the State to pay the cost. I do not see why, on the same principle, the State should not be called upon to pay for the evidence which may be given between a plaintiff and defendant in a breach of promise case. That would be a most extraordinary principle to adopt, and I cannot see how it would be possible to defend it. I maintain that the County Court Judge has already sufficient power, under the 37th section of the Land Act of 1881, to appoint a valuer and compel the parties to pay the expense. I trust that in the interests of the tenants, as well as of the landlords and taxpayers of the country, the County Court Judge will not be deprived of the power he now enjoys. I would appeal to the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Gibson) to corroborate my statement that the County Court Judge has already the power of appointing a County Court valuer, and when appointed such valuer is to be paid by the parties requiring his services. I would further appeal to the hon. and gallant Member for North Down, if my statement is corroborated, and if it is shown that the power does exist, that he will not insist upon the clause being adopted as it stands. If it is adopted without alteration, I am satisfied that nothing but friction and illwill will be created.

COLONEL WARING: I have no intention of encouraging friction between the landlord and tenant. I have no wish to enter upon the subject in a controversial spirit; but I cannot agree that a local valuer, whose interests are certain to be mixed up in some way with those of the landlord or tenant, will discharge the duties in a more impartial way than a valuer appointed by the Lord Lieutenant.

MR. CHANCE: I did not say "a local valuer." The County Court Judge might appoint a local valuer, if he thought a person in that position would be the best man to obtain, but, on the other hand, if he liked he might appoint a valuer 500 miles away.

COLONEL WARING: I most certainly think the most advisable course to adopt will be to give the Executive Government the power of appointing the most qualified and suitable person.

MR. CAMPBELL - BANNERMAN Stirling, &c.): I would venture to appeal to the Government not to press this clause, and to save the Committee the time that will be occupied in further discussing it. It appears to me that the two separate grounds of objection which have been made against the clause have not been answered. In the first place, it has been shown very clearly by hon. Members below the Gangway that the County Court Judge has already the power of calling in an expert to his assistance, where he thinks it necessary. In the second place, it has been said that the employment of valuers has been objected to in many quarters of Ireland, and that they are no longer used by the Court of Appeal.

MR. A. J. BALFOUR: That is a mistake. They are employed.

MR. CAMPBELL-BANNERMAN: At any rate, they have been greatly objected to, and their appointment has been a source of considerable friction. Then, again, on the ground of expenditure, the right hon. Gentleman the Chief Secretary finds some security in the fact that those who are appointed by the Land Commission will only be paid by the job. Now, the word in that phrase which I am afraid remains in my ears is the last word. I think the valuer will be paid not only by the job, but as a job. I have a perfectly vivid recollection of the details of the Irish law charges, and the general system upon which expenditure of this sort is incurred in connection with legal proceedings in Ireland, and that recollection makes me very suspicious of any arrangement of this kind. Therefore, as this provision involves a considerable charge being thrown upon the Public Treasury, and as the County Court Judge has already all the power that is necessary, and seeing that the experience of the past in regard to the appointment of valuers has not been found to work very satisfactorily—upon all these grounds I hope the Government will not press the clause.

MR. GIBSON: At present the County Court Judge, when he is assisting the Land Commissioners to settle the decision of a fair rent, has the power of appointing a valuer, but only for that purpose. That valuer is appointed by himself. He is not taken from a select staff of valuers and appointed subject to the approval of the Lord Lieutenant, but he is a valuer directly appointed by the County Court Judge. He is directed to deal with land questions in the best way he can. What I wish to call the attention of the Committee to is the fact that the Legislature has declared as a necessity, in order to enable the County Court Judge to perform his functions, that he shall be assisted by a valuer fully acquainted with the valuation of land. For instance, a case of this kind may occur—a tenant says that the land is only worth 5*s*. an acre; the landlord, on the other hand, says that it is worth 40*s*. an acre. How is the County Court Judge to judge between the two? In order to enable him to perform his functions properly he has the power of appointing a valuer; but that power is subject to the circumstance that the valuer is to be appointed by himself on the spot, and not taken from a select class of valuers. In regard to what fell from the right hon. Gentleman opposite, I may say that there is no power in the County Court Judge to appoint a valuer to decide questions that may arise under Clause 22, and I rather gathered from the remarks which have been made on both sides of the House that hon. Members contemplate that the appointment of a valuer will be necessary in such cases. If a valuer should be appointed to deal with such cases he ought, undoubtedly, to be a man of great independence, and able to resist any pressure that may be brought to bear upon him. We have no desire to give advantage to one side or the other. Nothing is further from the intention of the Government. Hon. Members must know that the County Court Judge very rarely knows anything about the land. Of course, the agricultural members of the Land Commission do visit the land, but the County Court Judge does not. Without having seen the land and hearing a mass of contradictory swearing, what means has the County Court Judge of deciding where the truth lies without having the evidence of an independent witness? After what has fallen from the right hon. Gentleman, and hon. Members on the other side of the House below the Gangway, I hope it may be possible to secure that the expenses shall be thrown upon the litigants, and not upon the State. I think the charge ought to be borne by one of the litigants. The matter, however, is one which, in my opinion, ought to be left to the discretion of the County Court Judge so that he should, in every case, direct how costs are to be borne.

Sir HENRY JAMES (Bury): I understand that there is power given to the County Court Judge by the Act of 1881 to call in an independent valuer. The question is whether or not the Land Commissioners should be allowed to appoint valuers. I am not myself competent to give an opinion on the practical question raised, but if the rule under the Land Act has worked well, why not apply the principle in this Act? If you trust the County Court Judge at all, you can also trust him in the matter of appointing a valuer.

Colonel WARING: I point out that, as hon. Gentleman opposite must know, only two or three County Court Judges have called in valuers; and where that was done the result was found to be eminently unsatisfactory to the parties concerned.

Mr. CHANCE: I think the suggestion thrown out by the right hon. Gentleman the Member for Bury (Sir Henry James) is eminently satisfactory. The effect of this clause is that the Lord Lieutenant is himself to supply evidence on which the Court is to decide whether the rent of the tenant is to be reduced or not. Now, however fair the arrangement may be it will undoubtedly be said by the tenant if the rent is raised, "Castlereagh raised my rent," or "prevented my getting a reduced rent," as the case may be. Well, I think it is most undesirable that this consideration should be brought into every petty case—that you should have the Lord Lieutenant coming down from his exalted position to mix personally in questions between landlord and tenant. On the other hand, the County Court Judges are familiar with the land in the district, and I think that the decisions they give would be eminently satisfactory. The system has worked well, and by this clause it is going to be altered in the most irritating manner, and at the expense of the State. I would appeal to the Government to get rid of this miserable wrangle by agreeing to our proposal, so that we may pass on to more important Business.

Mr. O'DOHERTY: I point out that we are wrangling about a matter which can only arise in a few instances, and that it is quite unnecessary for the Government to occupy the time by resisting the wish of Members on these Benches. According to the Rule now in force a tenant cannot be forced into the County Court if he wishes to have his case tried by the Land Commissioners. I point out that the decision of the question as to how much rent shall be paid will depend on the fall in prices, and on that ground there is ample means for the County Court Judge to form his opinion. It is only with regard to the Act of 1881 and the earlier sections of this Act that the County Court Judge would be required to exercise his judgment. The hon. and gallant Member for North Down (Colonel Waring) has said that the action of the County Court Judges in the cases which he referred to did not give satisfaction to the landlords, and I can say with equal certainty that it did not give satisfaction to the tenants. I never advise a tenant to go before a County Court Judge. The introduction of this irritating matter into the Bill will have the effect of producing a great deal of dissatisfaction among the tenants, who well remember what occurred in Ulster. It gave rise to an enormous amount of irritation when it was found that some military gentleman, or a person who had served his time in an office in Dublin, and knew nothing whatever about the district in question, was sent down to make a valuation. I remember well the dissatisfaction caused by this. I say that the independent valuer has never been discovered yet, and he cannot be looked for among this class. If you want the tenants to abandon all idea of application to the County Court Judges, then you are right in putting this clause into the Bill; but if you wish them to take advantage of the County Court for getting a settlement of disputes with the landlords, I say you should strike it out. Do not have valuers who have no local experience. Is it not well known that the valuation in one parish is totally different from that in another? It would be perfectly absurd to send men from England to value land in Ireland, and in the same way it would be perfectly absurd to send men from one district in Ireland to value land in another, because they will be entirely ignorant of the conditions of agriculture there, and of the cost of production and carriage. Now, if you appoint for the purpose of valuation a man who has local knowledge, I say that it would be the best course to pursue, because he would have the confidence of both parties. I ask the Committee to consider this point of extending to the present Bill the power of the County Court Judges under the Act of 1881 to select valuers.

Mr. T. C. HARRINGTON (Dublin, Harbour): I think the Government will do well to accept the suggestion of the right hon. Gentleman the Member for Bury (Sir Henry James). We have pointed out the difficulty in which the County Court Judge is placed by the hearing of the evidence of a valuer on the part of the Lord Lieutenant, and the evidence of a valuer on the part of the tenant. If the County Court Judge is not himself acquainted with land, and has to form his opinion of the value of land on the judgment of another person, I think it would be of the greatest importance that the County Court Judge should be satisfied with the integrity and character of the person appointed. I think it is a mistake to appoint a man who is an utter stranger to the land, on whose opinion with regard to its value the Judge will have to decide—and that solely on the suggestion of a man of whose character he has no means of judging. The idea is to me almost nonsense that you can hope to secure an independent valuer out of a class of men who will hang on until they get a job. It seems to me that if you are to appoint a man to administer justice under the Act, you must, at all events, put him in a position to judge of the integrity and character of the man with whom he has to act.

Question put.

The Committee *divided*:—Ayes 154; Noes 103: Majority 51.—(Div. List, No. 342.) [7.45 P.M.]

Clause 32 (Rules, orders, &c., for bankruptcy matters. Fees, costs, and charges).

Mr. O'DOHERTY (Donegal, N.): A noble Lord once said in this House that half the evictions in Ireland were due to the solicitors' costs. As a man of some experience in this subject, I say that I agree with him to a certain extent. It is a monstrous thing that the costs of the Sheriff and others should amount to £3 or £4, and that the decree should cost from £2 to £2 10*s*., where the rent is £15 and less. I therefore propose to leave out the 1st sub-section of this clause. Section 2, I think, ought to be retained, as it is in favour of the tenant.

Amendment proposed, in page 21, to leave out sub-section (1.)—(*Mr. O'Doherty.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

The ATTORNEY GENERAL for IRELAND (Mr. Gibson) (Liverpool, Walton): I can assure the hon. Gentleman that the wish of the Government is that the procedure in these cases should be as cheap as possible for the parties concerned. We think, however, that the sub-section would be useful which the hon. Member proposes to leave out;

but I am willing to agree to the omission of the words—

"And of fixing the percentage fees and stamp duties, and of framing scales of fees, costs, and charges to be paid to counsel and solicitors."

If the hon. Member will withdraw his Amendment I will move the omission of these words.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 21, line 5, leave out the words "and of fixing the percentage fees and stamp duties, and of framing scales of fees, costs, and charges to be paid to counsel and solicitors."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

Amendment proposed,

In line 34, after the word "bill," to insert the words "and the ejectment shall bear a stamp of the same amount as an ordinary Civil Bill."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): I cannot agree to a diminution of the fees without consulting my Colleagues, and without further examination of the question.

Mr. MAURICE HEALY (Cork): I think that an express proposal on the subject in this Act is unnecessary. The fees of the County Court are fixed by the County Court Act, and it is quite in accordance with practice to change the orders from time to time. It will be, therefore, quite within the practice to review the fees fixed in 1887.

Mr. GOSCHEN: I will undertake to look into the matter.

Mr. CHANCE (Kilkenny, S.): I am encouraged, by what has fallen from the right hon. Gentleman the Chancellor of the Exchequer, to ask him to look into another matter connected with this subject. I see that the 2nd sub-section of Clause 32 deals solely with the expense of evictions through the County Courts. I know perfectly well that in many parts of Ireland agents, and also solicitors, have practical interest in suing tenants for rent. They use the hanging gale for that purpose; and I have known, in some cases in the West of Ireland, a tenant to be sued four times for his rent, the case being compromised each time, and the tenant paying the full amount of costs. You have in Ireland country solicitors agreeing with agents that if they send a certain number of writs they will be paid a share of the costs. It is in this way that the tenants are robbed; and I say it will be an effectual step in the direction of stopping evictions if you cut down the cost of proceedings, so that it will not be made a lucrative occupation to sue the tenant. I am afraid that I see the right hon. Gentleman the Chief Secretary for Ireland giving rather bad advice on this subject to the right hon. Gentleman the First Lord of the Treasury; but I appeal to him not to be altogether governed by legal considerations in this case. I tell the right hon. Gentleman that he can stop many harsh evictions, without interfering with the landlord's right, by cutting down the charges to such an extent that it will not be a brilliant speculation to sue 300 or 400 tenants. I know that many landlords know nothing of the ejectments on their estates; I know also that some districts are deluged with writs simply for the purpose of getting costs out of the tenants. I trust that a good landlord, such as the hon. and gallant Member for North Down (Colonel Waring), will bear me out in saying that there is no greater hardship than what I have described, and I hope the right hon. Gentleman the Chief Secretary will say that he will take some steps to put an end to the miserable business of evicting tenants for the sake of the costs.

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): If the hon. Member for South Kilkenny is right in his opinion, I think he has not described the practice of issuing writs for the sake of the costs in too strong terms; I cannot conceive anything more sad than that the agents should be parties to such transactions, and that the tenants should become victims under those circumstances. I confess that I am so unfamiliar with the whole machinery of costs in the Superior Courts as to be unwilling to say off-hand whether it is possible to carry out the suggestion of the hon. Member. But I trust the right hon. and learned Attorney General for Ireland will see how far it is possible to carry out that object, on which both he and I are entirely in accord with the hon. Member.

MR. CHANCE: I think in this matter we ought to go further than the Act of 1881. I do not see why these unfortunate tenants should be practically driven to the Superior Courts when they can go before the County Court Judges. I hope the right hon. Gentleman will suggest to the authorities the desirability of making this process of eviction an absolutely unprofitable transaction.

MR. O'DOHERTY: After the declaration of the right hon. Gentleman the Chancellor of the Exchequer, I will ask leave to withdraw my Amendment.

Amendment by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clause 33 (Amendment of 48 & 49 Vict. c. 73, ss. 10 and 13) *agreed to.*

Clause 34 (Definitions), amended, and, as amended, *agreed to.*

Clause 35 (Short title) *agreed to.*

Postponed Clause 21.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The Government do not propose to reproduce this clause; and, that being so, I venture to hope that hon. Gentlemen will withdraw the clauses they have put down in connection with the subject with which it deals. I heard with dismay that the hon. Member for Cork intended to raise the whole question in connection with the case of "Adams *v.* Dunseath;" but I venture to appeal to him to reconsider his position in that respect.

Question, "That Clause 21 stand part of the Bill," put, and *negatived.*

New Clause, page 2, after Clause 1, insert the following Clause:—

(Perpetuities may be set aside.)

"In case of a lease or grant existing at the date of 'The Land Law (Ireland) Act, 1881,' and executed since the first day of January one thousand eight hundred and sixty-nine, of a holding bona fide in the occupation of the tenant or grantee, and to which, but for the length of the term, section one of this Act would apply, if the Court is satisfied that the acceptance thereof by the tenant or grantee was procured by the landlord by threat of eviction, or undue influence, or other inequitable means, the Court may, upon the application of the tenant or grantee made within six months after the passing of this Act, declare such lease or grant to be void as and from the date of the order, upon such terms as to costs and otherwise as the Court may deem just, and thereupon such tenant shall be deemed to be tenant of a present ordinary tenancy from year to year at the rent mentioned in such lease, and subject to such conditions thereof as the Court may deem just."—(*Mr. A. J. Balfour,*)

—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

Amendment proposed to the proposed New Clause,

In lines 2 and 3, to leave out "and executed since the first day of January one thousand eight hundred and sixty-nine."—(*Mr. Maurice Healy.*)

Question proposed, "That the words proposed to be left out stand part of the proposed New Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The Government have introduced this portion of the clause in accordance with the recommendation of the Cowper Commission. I understand that the reason for the recommendation was that the pressure exercised, and which it is intended to cure, was exercised under the receding shadow of the Act of 1870. The Government are not, under the circumstances, prepared to assent to this Amendment.

MR. MAURICE HEALY (Cork): I do not know what the Commissioners had in their mind; but I do not think they contemplated any special legislation with regard to long leases. The Amendment would only operate where it is proved that an unfair contract has been made; and I submit that where this is shown it ought not to matter a row of pins why it was made.

MR. T. W. RUSSELL (Tyrone, S.): If there had been any question with regard to perpetuity leases, I think it would have been brought to my notice. But I do not consider the clause will be of much effect in this respect, and therefore think the extension might be made.

MR. MARUM (Kilkenny, N.): In dealing with this Amendment which my hon. Friend has moved for me in my absence, we must consider the circumstances which gave rise to the limitation in the Act of 1881. Before the year 1870 there was no protection whatsoever for tenants; immediately after the Act of 1870 was passed several noblemen and large proprietors proceeded to have leases drawn up with a view of defeating that Act—among them the Duke of Leinster. These leases were drawn up under advice of counsel; and I remember the late Mr. Butt telling me that he had been asked to draw up a lease with the object of defeating the Act, and the copies of that lease were in use in Ireland afterwards. Again, the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) described those leases as a fraud and misuse of the Act. But the case of the tenant now is not that there has been any misuse of the Act of Parliament, but that there has been a revolution in rent which makes it necessary to quash these contracts. In the case of judicial rents you have agreed to set aside what has been the solemn adjudication of the Court; but in regard to the cases contemplated by this Amendment you refuse to set them aside, although there has been no solemnity whatever connected with them.

Question put, and *agreed to.*

MR. MAURICE HEALY: The Government will see that the Amendment I am about to propose is a compromise between two extreme views. I do not take up the line that every tenant who alleges his rent to be unfair should go into Court. I think there is an intermediate term between that and the proposal of the Government—that no one shall go into Court except he can show that the acceptance of the lease was procured by threat of eviction, undue influence, or other inequitable means. The line I take is that any tenant shall get the benefit of this clause if he can show that his rent is exorbitant. I think I can show a precedent for this in the Act of 1870. That Act set out that if a tenant could show that his rent was exorbitant he could claim the benefit of that part of the Act which allowed an evicted tenant to claim compensation for disturbance. Now, my proposal is cognate to what was proposed in that section of the Act of 1870. I ask that if the rent of any tenant can be justly described as exorbitant he shall be excluded from the general exception which the Government propose to insert in the clause. There are few Members probably who have taken an active interest in this question who have not, since the Government announced their intention with regard to these leases, received letters from tenants stating that they were excluded from the benefits of the Government proposals. I have received a letter from one of my constituents in which it is stated that the rent under a lease for 300 years was largely in excess of the Government valuation, and that he was satisfied that if he went into Court he would obtain a large reduction. My hon. and learned Friend the Member for North Longford (Mr. T. M. Healy) has also received an application of a similar character; and there have also been letters on the subject in the public Press. These are additional reasons why the Government should assent to the proposals I make.

THE CHAIRMAN: I have considered the Amendment which the hon. Member has placed in my hand, and I point out that the first clause on the Paper with regard to exorbitant rent has been thrown out. The hon. Member appears to wish to revive that.

MR. MAURICE HEALY: The first clause had no reference to the ground of exorbitant rent. Whatever we did, we did in the case of all leaseholders of 99 years. That being so, if it is not out of order for a leaseholder to get the benefit of the clause, I think it was out of order to deal with perpetuity leaseholders. I do not know, Sir, that I have succeeded in bringing conviction to your mind, but I submit that the points that I have raised are worthy of consideration.

MR. MARUM: It was I that promoted the proposals with regard to perpetuity leases in the first clause; and, when I did so, the hon. Member for Cork (Mr. Maurice Healy) recommended that the 99 years' leaseholders should have precedence, and I thereupon withdrew my Amendments. In that way the perpetuity proposals have not come into application—nothing, in fact, but the limitation of the 99 years. Therefore, the Perpetuity Clauses are left. I should like to see the counsel who would advise a tenant to go into Court in order to set aside a perpetuity lease on the grounds here mentioned. You say that the tenants are forced into the perpetuity tenure—is that, on the face of it, credible? I should like to see the counsel having the direction of proofs who would submit that, and I should like to see such an opinion signed by counsel.

Mr. MAURICE HEALY: The marginal note to this clause seems to be illusory. It says—"Perpetuities may be set aside;" but there is nothing in the clause to justify those words.

The CHAIRMAN: There was an Amendment, I think, which dealt with this question which was negatived—an Amendment to accept all leases but leases for ever. That being so, the question of the universal introduction of perpetuity leases would be unacceptable. This Amendment would deal with the case of leases which, but for the length of their duration, would be affected by Section 1. Though excluded from Section 1 they are to be admitted within the Act when the leases have been acquired by duress or threat of eviction. I do not know what is left out, and to what the Amendment can apply.

Mr. MAURICE HEALY: I thought I mentioned in my observations a form between that of the proposal which would admit all leases over 99 years and the form of the Government. I would not propose that all leaseholders of over 99 years should now have the right to go into Court. I propose that a certain proportion of them—namely, those who can show that their rents are exorbitant—shall have that privilege. There is a very substantial distinction between a rent that may be unfair and a rent that may be exorbitant.

Mr. MARUM: Technically speaking, that does not concern the perpetuity lease as a rule, because a lease of 99 years is not a perpetuity lease.

The CHAIRMAN: The question does not turn on that. There are leases expressly excluded from Section 1, whether they are for 99 years or for perpetuity, and the question whether any of these can now be included on the plea that they are obtained under duress. I say that I know of no other class of those leases which would then be excluded.

Mr. MAURICE HEALY: My hon. and learned Friend says that the tenant may seek the benefits of this clause, apart from those considerations.

The FIRST LORD OF THE TREASURY (Mr. W. H. Smith) (Strand, Westminster): I would appeal to hon. Members whether this question is really worth arguing any farther? It would be impossible for the Government to accept the Amendment, and the only result of proceeding with the consideration of this Amendment would be further discussion and delay. I hope the hon. Member will be content to withdraw the Amendment, as it seems to be very doubtful whether or not it is in Order.

Mr. MARUM: I should be very sorry for the right hon. Gentleman the Chief Secretary to think that I treated this clause with contempt or anything of the kind, or that we did not desire to give proper attention to the claims of all parties. I should think it an injudicious thing to vote against the clause altogether. I would rather withdraw the Amendment; and with regard to the application of the Amendment——

The CHAIRMAN: The question of the application of the Amendment is not under consideration. I rule that the Amendment is out of Order.

Mr. MACARTNEY (Antrim, S.): I beg to move in lines 7 and 8 a clause to leave out the words "all other inequitable means." I believe that the introduction of those words in this Bill, which are contained in the Act of 1881, will lead a great number of tenants to believe that they have an advantage under this measure which, as a matter of fact, they have not. I believe it would induce many to enter into legislation under a false impression, and would, consequently, cause them a large amount of unnecessary expense.

Amendment proposed, to amend the proposed New Clause, in lines 7 and 8, by leaving out the words "or other inequitable means."—(*Mr. Macartney.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. MARUM: I would just say here that it is perfectly immaterial whether those words are omitted or not, for this reason. We do not make a case here against the landlord that by inequitable means, or by any fraud or threat of eviction, he has forced a perpetuity lease upon a tenant. I know many cases which bear upon this point. I had only yesterday a communication from three priests, who mentioned the case of a number of perpetuity leaseholders in my own locality, who not only pay much more than Griffith's valuation, but who are rented over the standard or scale of judicial rents in their district. The grounds on which I would rest my case are purely economic grounds, and I would not rest it on the grounds mentioned here.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton) (who was indistinctly heard) was understood to resist the Amendment, on the ground that a misrepresentation might be made of the tenant's interest. It was not that such a thing would happen; but there ought to be general words in the clause which the Court might act under if it thought there was a case for the exercise of the jurisdiction. He urged the hon. Member not to press the Amendment.

MR. MACARTNEY thought that cases of "fraudulent misrepresentation" would be provided by for the ordinary law of the land.

Amendment, by leave, *withdrawn.*

MR. MAURICE HEALY: I would propose another Amendment on line 8, after the word "means," to insert the words "or was owing to the fear of eviction on the part of the tenant or grantee." The point of that is this, that I think it was found—and the right hon. Gentleman will bear me out—in the corresponding Act of 1881, on the analogy of which this clause was drawn, that in many cases, though it was beyond question that pressure had been put upon the tenant, the tenant found it impossible to prove an express threat. There are a great many ways of killing a dog other than by hanging him; and, unfortunately, the landlord is always able to put the tenant out without flatly saying to him—"Unless you take this lease, out you go." I would, therefore, ask the Government to mitigate to some extent the stringency of the clause by adopting my Amendment. If the Court is of opinion that the acceptance of the lease was owing to fear of eviction on the part of the tenant or grantee, though he is not able to prove the exact threat, which is often a very difficult thing to do, it should be able to adopt a consideration of the kind I propose under the clause, which is sadly in want of some elasticity.

Amendment proposed, to the proposed New Clause, in line 8, after the word "means," to insert the words "or was owing to the fear of eviction on the part of the tenant or grantee."—(*Mr. Maurice Healy*,)

Question proposed, "That those words be there inserted."

MR. GIBSON (who was inaudible) was understood to oppose the Amendment.

Amendment, by leave, *withdrawn.*

MR. MAURICE HEALY: I have another Amendment to line 8, to insert after the words "tenant or grantee," the words "or of the successor in title to the tenant or grantee." As the clause is drawn it could not operate if there were any change in the tenancy between the time the lease is forced on the tenant and the date of the application to the Court. That would not be plain as regards the word "tenant" alone, because the word tenant would include "successor." But it is plain so far as regards the word grantee. I can hardly conceive that the Government will contend that where duress has been practised, and the person immediately the victim of it is dead, that his successor should not have the benefit of this clause.

Amendment proposed to the proposed New Clause, in line 8, after the word "grantee," to insert the words "or of the successor in title to the tenant or grantee."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

MR. GIBSON assented to the Amendment.

Question put, and *agreed to.*

MR. T. W. RUSSELL: I beg to move an Amendment which stands on the Paper in my name. I think I can make out a case for this proposal which will commend itself to the Government. There are hundreds of perpetuity leases in Ireland with clauses empowering the tenants to have a variable rent. I do not refer to the College leases at all, for they are specially exempted from this Amendment. I have not included them because it would open up a large question, which I do not desire to open up on this Bill. But in all Church leases, for instance, there are clauses which authorize a variation of rent according to prices; but the machinery is so cumbrous and expensive that the tenants have never been able to avail themselves of it. My case is that where the leases themselves actually contemplate a variation of rent according to prices, it is not out of place to ask the Government to ask for that form of lease to come under the operation of the clause. I know this Amendment would cover several hundreds of perpetuity leases.

Amendment proposed to the proposed New Clause, at end to add—

"Provided also that in all cases of leases or grants in perpetuity, no matter when executed (other than those provided for in the Trinity College, Dublin Leasing and Perpetuity Act, 1851) in which variable rents are provided for, this section shall apply, and the holder of any such lease or grant may apply to the Court to have a fair rent fixed."—(*Mr. T. W. Russell.*)

Question proposed, "That those words be there inserted."

MR. GIBSON (who was indistinctly heard) was understood to say that the variableness of the leases referred to was provided with the object of increasing the rents; but it had not been thought worth while to go through the cumbrous process for the object of effecting that purpose. The Government could not accept the Amendment, which appeared to him to involve a principle which the Committee had already decided.

MR. O'DOHERTY (Donegal, N.): I wish to point out that there are cases where the landlord has sold to the tenant a half-rent, where the tenant has given 25 years' purchase—half a rack-rent in order to be relieved from the future payment of that rent. The half-rents which have continued to be put down now become full rents by reason of the fall in prices, and the landlords have pocketed the whole of the 25 years' purchase of the half. These rents have been actually purchased by the tenants who wanted to get out of bondage. It has been a case of ransom. They have put down the money, and to say that they are not to get relief seems to be a monstrous proposal.

MR. T. W. RUSSELL: I quite concur with the hon. Gentleman that those who are interested in this leasehold question have seriously suffered during the last few days, because perpetuity leases have been ruled out of the clause. During the last six months I have had hundreds of letters with regard to leaseholders; and it struck me, seeing that the introduction of the principle of revision of rent was contemplated in regard to land held under judicial lease, that this was an Amendment which the Committee would accept. I think I should be neglecting my duty to my constituents, many of whom are involved in this matter, if I did not take the sense of the Committee upon the proposed Amendment.

Question put,

The Committee *divided*:—Ayes 99; Noes 139: Majority 40. [8.50 P.M.]

AYES.

Allison, R. A.
Atherley-Jones, L.
Biggar, J. G.
Blane, A.
Broadhurst, H.
Buxton, S. C.
Campbell, Sir G.
Campbell, H.
Campbell-Bannerman, right hon. H.
Chance, P. A.
Channing, F. A.
Clancy, J. J.
Cohen, A.
Condon, T. J.
Connolly, L.
Conway, M.
Corbet, W. J.
Cox, J. R.
Cozens-Hardy, H. H.
Cremer, W. R.
Crilly, D.
Deasy, J.
Dillon, J.
Esmonde, Sir T. H. G.
Esslemont, P.
Fenwick, C.
Finucane, J.
Flower, C.
Flynn, J. C.
Fox, Dr. J. F.
Gilhooly, J.
Gill, T. P.
Harrington, E.
Harrington, T. C.
Harris, M.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.
Hooper, J.
Hunter, W. A.
Joicey, J.
Jordan, J.
Kennedy, E. J.
Kenny, C. S.
Kenny, J. E.
Lefevre, rt. hn. G. J. S.
Macdonald, W. A.
MacNeill, J. G. S.
M'Cartan, M.
M'Donald, P.
M'Kenna, Sir J. N.
Mahony, P.
Marum, E. M.
Mayne, T.
Molloy, B. C.
Montagu, S.
Morgan, O. V.
Murphy, W. M.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, P.
O'Brien, P. J.
O'Connor, J. (Kerry)
O'Connor, T. P.
O'Doherty, J. E.
O'Hanlon, T.
O'Kelly, J.
Pickard, B.
Pickersgill, E. H.
Pinkerton, J.
Provand, A. D.
Pyne, J. D.
Quinn, T.
Rathbone, W.
Redmond, J. E.
Redmond, W. H. K.
Reynolds, W. J.
Roberts, J. B.
Roe, T.
Rowntree, J.
Samuelson, G. B.
Schwann, C. E.
Sexton, T.
Sheehan, J. D.
Sheehy, D.
Sheil, E.
Stack, J.
Stansfeld, right hon. J.
Sullivan, D.
Sutherland, A.
Tanner, C. K.
Thorburn, W.
Tuite, J.
Wallace, R.
Warmington, C. M.
Will, J. S.

Wilson, H. J.
Woodhead, J.
Yeo, F. A.

TELLERS.
Lea, T.
Russell, T. W.

NOES.

Agg-Gardner, J. T.
Ainslie, W. G.
Aird, J.
Amherst, W. A. T.
Anstruther, Colonel R. H. L.
Ashmead-Bartlett, E.
Balfour, rt. hon. A. J.
Barry, A. H. Smith-
Bates, Sir E.
Baumann, A. A.
Beadel, W. J.
Bentinck, Lord H. C.
Bond, G. H.
Boord, T. W.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Brookfield, A. M.
Burghley, Lord
Campbell, J. A.
Carmarthen, Marq. of
Charrington, S.
Clarke, Sir E. G.
Coghill, D. H.
Colomb, Capt. J. C. R.
Commerell, Adml. Sir J. E.
Compton, F.
Cooke, C. W. R.
Corbett, J.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Cranborne, Viscount
Cross, H. S.
Dalrymple, Sir C.
Davenport, H. T.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dimsdale, Baron R.
Dixon, G.
Dixon-Hartland, F. D.
Dorington, Sir J. E.
Dyke, right hon. Sir W. H.
Evelyn, W. J.
Ewart, W.
Fergusson, right hon. Sir J.
Field, Admiral E.
Fielden, T.
Finlay, R. B.
Fisher, W. H.
Fitzgerald, R. U. P.
Fletcher, Sir H.
Folkestone, right hon. Viscount
Forwood, A. B.
Gathorne-Hardy, hon. J. S.
Gent-Davis, R.
Gibson, J. G.
Giles, A.
Gilliat, J. S.
Goldsworthy, Major-General W. T.
Gorst, Sir J. E.
Goschen, rt. hn. G. J.
Gray, C. W.
Hamilton, right hon. Lord G. F.
Hanbury, R. W.
Hardcastle, F.
Heath, A. R.
Heaton, J. H.
Herbert, hon. S.
Hermon-Hodge, R. T.
Hill, right hon. Lord A. W.
Hoare, S.
Holland, rt. hon. Sir H. T.
Holloway, G.
Howorth, H. H.
Hozier, J. H. C.
Hughes, Colonel E.
Isaacs, L. H.
Jackson, W. L.
Jeffreys, A. F.
Jennings, L. J.
Johnston, W.
Kelly, J. R.
Kerans, F. H.
Kimber, H.
King-Harman, right hon. Colonel E. R.
Knowles, L.
Lafone, A.
Lees, E.
Leighton, S.
Lewisham, right hon. Viscount
Long, W. H.
Macartney, W. G. E.
Macdonald, right hon. J. H. A.
Maclean, J. M.
Madden, D. H.
Mallock, R.
Marriott, right hon. W. T.
Matthews, rt. hon. H.
Maxwell, Sir H. E.
Mills, hon. C. W.
Morrison, W.
Mount, W. G.
Mulholland, H. L.
Norris, E. S.
Northcote, hon. H. S.
O'Neill, hon. R. T.
Peily, Sir L.
Plunket, right hon. D. R.
Powell, F. S.
Price, Captain G. E.
Raikes, rt. hon. H. C.
Reed, H. B.
Ritchie, rt. hon. C. T.
Robertson, J. P. B.
Robinson, B.
Round, J.
Sidebotham, J. W.
Sidebottom, T. H.
Sidebottom, W.
Smith, rt. hon. W. H.
Stanhope, rt. hon. E.
Stanley, E. J.
Stephens, H. C.
Stewart, M. J.
Temple, Sir R.
Theobald, J.
Tomlinson, W. E. M.
Trotter, H. J.
Tyler, Sir H. W.
Waring, Colonel T.
Webster, Sir R. E.
Webster, R. G.
Wharton, J. L.
Wiggin, H.
Wortley, C. B. Stuart-
Wright, H. S.
Wroughton, P.
Yerburgh, R. A.
Young, C. E. B.

TELLERS.
Douglas, A. Akers-
Walrond, Col. W. H

Question, "That the Clause, as amended, be added to the Bill," put, and *agreed to.*

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): I beg to propose the following New Clause:—

"A tenant shall, for the purpose of 'The Land Law (Ireland) Act, 1881,' and of this Act, be deemed to be in bonâ fide occupation of his holding notwithstanding that he has sub-let part thereof, provided the sub-letting is for the use of labourers bonâ fide employed and required for the cultivation of the holding, and the Court deems such sub-letting reasonable and sanctions the same. The land comprised in each such letter shall not exceed half an acre in extent, and the Court shall have regard to the size and character of the holding, and may prescribe such terms as to rent and otherwise with regard to the part sub-let as it thinks fit. A tenant may also be deemed in occupation of his holding notwithstanding that part is sub-let where the sub-letting is of a trivial character, and the Court deems the tenant to be substantially in occupation of the holding."—(*Mr. A. J. Balfour.*)

New Clause (Sub-letting to labourers and others) *brought up*, and read the first time.

Question, "That the Clause be now read a second time," put, and *agreed to.*

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. MAURICE HEALY (Cork): I beg to move to insert after the word "is," in line 4, "or was originally." The right hon. and learned Gentleman the Attorney General for Ireland (Mr. Gibson), if he has had any experience of the Land Court of Ireland—and I think he has—will see the importance of this Amendment. My experience is that in a great many of the cases in which the tenants were excluded from the benefit of the Land Act, it arose from the fact that, although the original sub-letting was a sub-letting to the labourer, the state of things had changed previous to the application to the Court owing to the transmission of the tenancy from the original labourer to his wife or some other member of his family. I am sure it is not the intention of the Government that because the tenant does not turn out the widow of the labourer who happens to die on the holding, or his son, or his daughter who may happen to remain in occupation afterwards, the tenant is to be excluded from the benefit of the Act. I expect the Government will accept these words—"or was originally." Any sub-letting clause which is restricted to the case of an actual labourer will fail to have this effect, because there are a large number of cases in which, though the letting was originally a letting to a labourer, owing to one cause or another, owing to the labourer having died, the state of things has changed. The original letting was a letting to a labourer; but a state of things will be found to exist at the passing of this Act which will prevent cases coming within the terms of this clause.

Amendment proposed to the proposed New Clause, in line 4, after the word "is," insert the words "or was originally."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): This proposal of the hon. Member it is impossible for the Government to accept. The provisions of the Act of 1881, as the Committee are aware, are founded upon this—that the benefit of the Act of 1881 should be enjoyed by occupying tenants only. There are certain qualifications and exceptions to that principle, some of which are to be found in the provision respecting the landlord's consent to certain sub-letting. There is also a provision in the Act of 1881 as to the authorization of certain sub-letting by the Court. If the proposal of the hon. Member is to be sanctioned by the Committee, the result will be this—that when a man made a letting to a labourer, and when that labourer died, the family of the labourer might remain on without doing a stroke of work on the holding, and then new lettings would have to be made for the benefit of the labourers actually required on the holding. There would have to be several sub-lettings, and that is a state of things to which we cannot consent. The limit which we propose in this clause is of a two-fold character; if the sub-letting is against the landlord's will, and without his consent, it is forbidden under the Act of 1881; as I have said, it is an essential condition of the Act of 1881 that the benefit of the Act shall be limited to tenants in occupation and not enjoyed by middlemen. One of the objects we have had in view in dealing with this question of sub-letting to labourers is the necessity of protecting the labourers against exorbitant rents, because in cases I have seen come again and again before the Land Courts of Ireland, it has been painfully impressed upon my mind that under the guise of labourers men have been put upon holdings and charged rents which were absolutely exorbitant in comparison with the rents the tenants were paying to their landlords. This sub-letting without the landlord's consent, in violation of the Act of 1881, should be guarded by the provision that the letting should be for the purposes of actual *bonâ fide* labourers required on the holding. I assure hon. Members that my sole desire in framing these Amendments, as they will probably see, is to do what I consider real and reasonable justice in the case. I do not think any hon. Gentleman can say there has been any attempt on the part of the Government not to confer substantial benefit by this Bill. We cannot possibly accept the proposal of the hon. Member.

MR. MAURICE HEALY: I am not going to discuss the spirit in which the Government proposed this Amendment. I assume the spirit was a proper spirit, and that they had some real intention of dealing with what is an admitted grievance; but with great respect to the right hon. and learned Gentleman I tell him—and I can speak with some experience—that this clause will not apply to two out of five cases of the character ordinarily known as sub-letting cases. I appeal to the good feeling of Members of the Committee whether it is possible to defend the principle which the right hon. and learned Gentleman has laid down? That principle is that if a man has a labourer on his holding, as very often happens, for 20, 30, 40, or 50 years, and the labourer dies, because the moment the labourer dies the farmer does not immediately proceed to turn the widow out-of-doors he is to lose the benefit of the Land Act. That is nakedly the effect of the clause of the Government as it stands, and that is nakedly the state of things which the right hon. and learned Gentleman attempts to defend. Now, Sir, I do not shut my eyes to the fact that if this clause were not hedged around with restrictions some such danger as that pointed out might arise; but let me point out that the Court must decide that the sub-letting is reasonable, and must sanction the sub-letting. I ask, is that not sufficient protection? Has the right hon. and learned Gentleman no confidence in the Court which is to administer the Act? I am willing to meet the right hon. and learned Gentleman in any way; but I claim I have aimed at a distinct blot in this clause, and one which will operate in a very injurious way upon the working of the Act. We are now considering a clause which is as important as any other one clause of the Bill. We are upon a clause which is intended to remedy one of the greatest grievances which have arisen under the Land Act of 1881. There was no decision of the Land Court of Ireland which spread so much consternation among tenants as the decision upon sub-letting; and I say that, if the Government do not meet in an adequate way the difficulty which arose under that Act, they will rob this Bill as the Land Act was robbed of half of its efficacy. I earnestly ask the right hon. and learned Attorney General for Ireland to direct his mind to this matter. I do not wish to ask for anything unreasonable. I do not ask that the tenant shall get any privileges. I am willing that any right of sub-letting should be hedged round with any such restrictions as the right hon. and learned Gentleman can devise; but this I do ask—that the tenant shall not be excluded from the benefit of the Act because he behaves in a humane manner to the family of a labourer who, perhaps, has worked for him all his life. It is no theoretical case; it is one which arises every day. It is not the practice of tenants to turn out the family when the labourer has ceased worked on the farm; and I think they would be justly denounced if they acted in so inhumane a manner. My Amendment does not leave the matter at the discretion of the tenant. If it is not proper that the tenant should leave the family of the labourer in occupation, the Court will have power to hold that he has acted unwisely; and all I ask is that if the Court considers that the circumstances are such that the letting is reasonable, and they are induced to sanction it, the tenant shall not be excluded from the benefit of the Act. The right hon. and learned Gentleman directed his argument entirely to my Amendment as if this clause were drawn upon quite a different plan, and as if the Court had not the power of sanctioning sub-letting. I am sure that the right hon. and learned Gentleman does not desire that this Act shall be frustrated by any technicalities; and I claim that he and those who sit around him will believe that our Amendments to this clause have been framed with the object of making it workable. They are framed from a very considerable experience, and I ask that they shall receive fair consideration. The right hon. and learned Gentleman adopts a sort of *non possumus* to Amendments proposed from this quarter of the House. Now, I claim that Amendments proceeding from this part of the House ought to be received in a fair spirit, because we have had very considerable practical experience in the working of the Land Act, and many of us have necessarily had a great deal more experience than the right hon. and learned Gentleman himself can have had, because his practice has been restricted to the Superior Courts, and especially when our Amendment strikes, as this one does, at a distinct blot in the Act we ought to be fairly met.

MR. FLYNN (Cork, N.): I think my hon. Friend the Member for Cork (Mr. Maurice Healy) has made out an unanswerable case. You have checks to excessive sub-letting, which ought to be sufficient for all your purposes. In the first place, as the hon. Member for Cork has pointed out, the clause provides that the Court should deem the sub-letting reasonable, and shall sanction the same; on the other hand, you have, in the very nature of the case itself, the highest possible guarantee that there will not be any excessive sub-letting. Take the case which the right hon. and learned Gentleman put himself. A labourer who has been employed 30, 40, or 50 years dies, leaving a widow and some children. It will be considered a great hardship if immediately upon his death his family is to be turned out of the holding. It will obviously be to the interest of the farmer or the tenant cultivating the land to see that there is no excessive sub-letting. Does it not strike any reasonable man that the ordinary motives of Christian charity will suggest to the tenant that he should leave the widow of the labourer in the holding, and that, at the same time, the ordinary motives of self-interest will effectually prevent the tenant from an excessive multiplication of cases of sub-letting. Under these circumstances, I think the case made out by my hon. Friend is very reasonable. He speaks of the majority of the Members on this side of the House as having an intimate—a painfully intimate—acquaintance with all the blots and defects of the Land Act of 1881. We saw the manner in which large numbers of deserving people were kept out of the benefits of the Act. We saw that every possible variety of excuse ingenuity could suggest was brought up for keeping one class of the tenants out of the benefits of the Act of 1881. Our Amendments are intended to meet cases in which injustice has been done, and do not spring from any unreasonable desire of pressing the Government unduly or too far in a matter of this kind. We recognize the good intentions of the Government in proposing this clause, and we only ask that when we point out a blot they will try to remedy the defect.

Mr. CHANCE (Kilkenny, S.): Before we go to a Division I desire to appeal to the right hon. Gentleman the Chief Secretary for Ireland as to whether he will accept any modification whatever—as to whether he will not do anything to grapple with this matter? There are a large number of cases in the North of Ireland where the holdings were originally let to labourers, but in which, on the death of the tenant, the widow became tenant, the son as he grew up doing a substantial amount of work for the tenant. I ask the right hon. Gentleman the Chief Secretary whether he will make a concession in order to cover such a case? It is a case within the spirit of his own clause, for the tenant is really the labourer, although not technically. I ask the right hon. Gentleman to let us know whether he will not accept some modification which will cover these and other substantial cases, and remove what will otherwise be a burning grievance in the North of Ireland?

Question put.

The Committee *divided:*—Ayes 104; Noes 157: Majority 53.—(Div. List, No. 344.) [9.55 P.M.]

Mr. MAURICE HEALY: I have a verbal Amendment, to insert in line 4, after the word "of," the words "a labourer or."

Amendment proposed to the proposed New Clause, in line 4, after the word "of," to insert the words "a labourer or."—(*Mr. Maurice Healy.*)

Question, "That those words be there inserted," put, and *agreed to.*

Mr. FLYNN: We have no desire to press the Government too far, or to debate this clause at unreasonable length. We desire, however, that there should not be loop-holes and crevices through which all the solid advantages given to the leaseholders and other tenants will fall through. We want to fill up the crevices, and to make the provisions of the Bill practically useful, and I hope the Committee will see that in that view the Amendment I now propose is perfectly reasonable. I propose to leave out the words "bonâ fide employed and required for the cultivation of the holding." It is obvious to everyone who knows anything about agricultural life in Ireland that the labourers reside in or near the holdings on which they are employed. Exceptional cases may arise from time to time—cases of a temporary nature—where it would be extremely hard on the tenant in *bonâ fide* occupation of his holding to lose his free sale advantages, or any other advantages that it is intended to give by the Bill to the tenants in Ireland, through a breach—or an apparent breach—of this part of the clause that I propose to strike out. It often happens that on a farm of a certain size there may be a couple of cottages occupied by labourers working on the farm. Well, the farmer changes the nature of his farm, puts all the land which previously had been cultivated under pasture, and no longer requires the services of these labourers. Well, the result of leaving these words in the clause would be, under these circumstances, to deprive the farmer of the benefit of this clause. My Amendment aims at this—it provides that the fact that a labourer living in the farmer's house is employed upon some neighbouring property shall not deprive the tenant of the privileges of the Bill. It provides that the mere fact of a little bit of the holding being sub-let to the labourer under these circumstances shall not put the tenant so sub-letting outside the Act. The Committee will see that there will still be ample protection in regard to all other cases of sub-letting in the fact that the Court must deem these sub-lettings to be reasonable, and must sanction them. You must either have confidence in the Court or you must not. I believe that the Court, taking all the circumstances into consideration, will be the best judges of a transaction of this kind; and you may rest assured that, constituted as the Courts are in Ireland, and from what we know of the County Court Judges, it is not likely that the proceedings will be unfairly prejudiced against the landlords—it is not very likely that the balance will be unduly held in favour of the tenant. I trust the Government will accept this Amendment, as it is one which will help to carry out the object they have in view.

Amendment proposed to the proposed New Clause, in lines 4 and 5, to leave out the words "bonâ fide employed and required for the cultivation of the holding."—(*Mr. Flynn.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. A. J. BALFOUR: Hon. Gentlemen below the Gangway opposite, it seems, are not content with looking a gift horse in the mouth, but they make a most minute examination of every one of the grinders.

Mr. CHANCE: He has false teeth.

Mr. A. J. BALFOUR: I am bound to say I think the action of hon. Gentlemen opposite unreasonable. We were promised by the hon. Member for Cork (Mr. Parnell) that we should have the Committee stage of this Bill concluded to-night. Well, I submit that there are most important questions, questions of a large character, still to be discussed; and we may very reasonably ask whether hon. Members think it worth while to discuss small verbal Amendments such as the one now proposed, which may or may not be advantageous, thereby deferring for a considerable period the consideration of those other important Amendments. With regard to this particular clause and this particular Amendment, I would ask whether the hon. Member has made himself acquainted with the Act of 1881? If he had any acquaintance with that Act he would have seen with what a much larger measure of generosity we have dealt with this question of sub-letting. If hon. Members will look at the minute and arithmetically laid down provisions on this subject in the Act of 1881, and if they will take into consideration the aspects in which that Act is regarded on all sides upon this matter, I think they will see that they have got a great deal of that which they desire. We have drawn this clause upon very wide lines, and I, therefore, trust that the hon. Member will not press his Amendment further.

Mr. COX (Clare, E.): I can illustrate the point at issue by some facts within my own experience. I happen to know a tenant farmer who will come under this Bill, if it becomes law. The person I have in my mind is a leaseholder, and a very charitable gentleman. He had two widows on his property, one of whom he left on the holding at a rent of 2*s.* 6*d.* a-year. Wanting the house the other widow was living in, he built a fresh residence for her and her children, and charged the nominal rent of 2*s.* 6*d.* a-year. Well, I want to know from the right hon. Gentleman the Chief Secretary for Ireland——

The CHAIRMAN: The hon. Gentleman is entering upon the discussion of an Amendment which has just been disposed of.

Question put, and *agreed to.*

Mr. CHANCE: I propose the next Amendment, in order to elicit some reply from the Government. It is to insert, in line 5, after the word "holding," the words "or the rent or a substantial part thereof has been usually paid in labour." This is to cover the case where a labourer is dead, and his widow or her son remain in occupation. This practice prevails to a large extent in South Derry. In cases such as this the persons in occupation are not bound to labour on the holding, but may pay rent in money—6*d.* or 1*s.* a-week perhaps. As a matter of fact, the rent is usually paid in labour, the occupants of the cottages putting in a day or two now and then; but, strictly speaking, these people are not labourers. This Amendment is not a prospective alteration, but only deals with cases that are now in existence. If the Government do not feel inclined to entertain this Amendment now, I trust, at any rate, they will promise to consider the matter before Report. If you do not consider this case, and deal with it in this Bill, where there are sub-lettings of this kind the result may be that those widows and orphans may be turned out on the roadside, in order that the tenants under whom they hold shall not be deprived of the advantages of the Act.

Amendment proposed to the proposed New Clause, in line 5, after the word "holding," to insert the words "or the rent or a substantial part thereof has been usually paid in labour."—(*Mr. Chance.*)

Question proposed, "That those words be there inserted."

Mr. GIBSON: Her Majesty's Government are unable to accept this Amendment, the effect of which we imagine would be this—that though labourers may not be *bonâ fide* employed and required for the cultivation of the holding, and are really required by neighbouring farmers, and even where the sub-letting is against the will of the landlord, still these cases would be considered to be within this clause if occasionally the occupants of the cottages pay a certain amount of the rent in labour. There is one thing which underlies every line of the Land Act of 1881, and that is that the tenant in occupation of a holding shall not sublet or sub-divide that holding. If he gets his landlord's consent, then, notwithstanding the sub-letting, he is deemed in occupation of the holding; but if he lets in defiance of the landlord's consent, he must let for the use of labourers *bonâ fide* employed and required for the cultivation of the holding, and it would be a very serious matter if that principle were to be departed from, and if you were to allow sub-lettings to labourers employed upon other farms. There is no doubt in the world that that would give rise to very grave and serious abuses. The clause is framed so as to be as wide as possible. It has not been our object to frame a niggardly clause, in order that, as hon. Members point out their shortcomings and their defects, we may be able to make concessions with a show of generosity. If hon. Members point out unmistakable defects we shall be very willing to consider them; but we cannot accept Amendments which go to the very principle upon which the clauses were conceived. We have very important matters to go into. As hon. Members know very well, we have given way on some most important points. I trust that, in view of this fact, they will allow us to make progress with the remaining new clauses. We have, as I say, framed these clauses in a broad and generous spirit, and I now appeal to hon. Members to assist us in finally disposing of this Bill, which it is believed on all sides will confer such enormous benefits upon the Irish tenant. The sooner the Bill passes into law the better it will be for the tenants of Ireland.

Mr. CHANCE: It seems utterly useless to press Amendments while the Government are in their present mood; but I submit that the proposal now before the Committee would only bring technically within the clause what is really within the spirit of it. I do not accuse the right hon. and learned Gentleman the Attorney General for Ireland, or the right hon. Gentleman the Chief Secretary, or their Colleagues, with having framed their clauses in a niggardly spirit; but it must be remembered how narrowly all these Acts are scanned, and how literally they are administered in Ireland, so far as the benefits they confer upon the tenants are concerned. The sole case I want to deal with is this—where a man is not bound to labour on the holding, and therefore is not *bonâ fide* employed within the technical meaning of the clause; but where, as a matter of fact, he does labour on it, and does pay almost all his rent in labour, with the exception of, perhaps, 2*s.* 6*d.* once or twice a-year, or thereabouts. I trust that before Report the Government will consider this point, and will endeavour to make some concession in order to prevent the people in whose interests I am moving being turned out upon the roadside. I trust the Chief Secretary will do that. [Mr. A. J. Balfour: Hear, hear!] Very well. I have no desire to interfere with the spirit of the clause; and as the right hon. Gentleman seems inclined to consider the matter favourably before Report I will withdraw the Amendment.

Amendment, by leave, *withdrawn.*

MR. MOLLOY: On behalf of my hon. and learned Friend the Member for North Kilkenny (Mr. Marum), I beg to move, in line 7, to omit the word "half." The clause says—"The land comprised in each such letting shall not exceed half-an-acre in extent." The effect of this Amendment would be that the sub-letting might be an acre in extent. In many cases, sub-lettings of this kind are an acre in extent. The right hon. Gentleman opposite must bear in mind that half-an-acre upon some estates is better and more valuable than an acre or even more upon other estates. I think the Amendment is one which the Government should have no difficulty in accepting.

Amendment proposed to the proposed New Clause, in line 7, after the word "exceed," to omit the word "half."—(*Mr. Molloy.*)

Question proposed, "That the word 'half' stand part of the proposed New Clause."

MR. GIBSON: Under the Act of 1881 the amount was half-an-acre, and that is the amount fixed in all the Labourers' Acts, of which we have had no less than four in this House, the last of them being passed last year. The amount of land which can be let as holdings to labourers by the Poor Law Guardians is half-an-acre. The question is, to what is the ideal amount of land which should be apportioned to a labourer? is a question which may very fairly be discussed in the future; but all I can say is that in this Bill it would be a very wide measure, and a very questionable proceeding, if we undertook to go beyond the principle laid down in previous legislation dealing with labourers, and were to enlarge the amount of land allowed for holdings.

MR. T. C. HARRINGTON (Dublin, Harbour): The right hon. and learned Gentleman the Attorney General for Ireland will see that there is no proper parallel between the limit of land allowed to a labourer under the existing Labourers' Acts and the amount he should be entitled to hold under this Bill without disentitling the farmer to the advantages of this Bill. It must be remembered that under the Labourers' Act the grants of half-an-acre were made to labourers out of the public purse; and there is no comparison between that case and the case of a voluntary letting of a piece of land to a labourer. In the future, if this Bill is passed in the form in which the Government propose, if an unfortunate labourer holds an acre of land with the consent of the tenant, and it may be with the consent also of the landlord, the result will be that he will have to surrender half of his holding. The effect of passing this clause in its present shape will be that, instead of improving the position of the labourers generally, you will be seriously injuring a large number of them. We do not wish to raise the standard of all sub-divisions of holdings; but we desire that a limit shall be fixed such as will prevent the shutting out from this clause of a large number of deserving people.

Amendment, by leave, *withdrawn.*

MR. MAURICE HEALY: I move to add, at the end of the proposed new Clause the words—

> "Where a portion of a holding is sub-let, the tenant of such holding shall nevertheless, for the purpose of the said Act, and this Act, be deemed to be in occupation of the same, if the portion sub-let does not in itself constitute a holding to which the said Act applies, and if the Court deems the sub-letting reasonable and sanctions the same."

The object of my Amendment is this—it is to prevent a tenant being excluded from the benefit of the Act because he has a house on his land which he may sub-let, say, to a blacksmith. We all agree that any sub-letting that leads to the land of a farm being unnecessarily split up is unreasonable; but we all know that in some rural districts houses are very scarce, and I therefore think it only reasonable that in such a place a tenant should not be excluded from the benefits of the Act because he sub-lets a house which he has upon his land. The sub-letting of such houses, under these circumstances, is a matter of very common occurrence. I had a case myself some time ago in which there was a house on a farm, one which had been on it for more than 60 years, and because the tenant let the house altogether with that land, although, as I say, the sub-letting had lasted for 60 years, he was deprived of the benefits of the Land Act, and was unable to obtain a reduction of his rent, as all the other tenants were able to do. That is a very hard case, and one the evil of which I think we are in duty bound to remedy. I cannot see that any damage to the landlords could result from the acceptance of this Amendment. I do not propose that the holding should be one to which the Land Act applies—I only propose that it should be a house. I insert also the safeguard that the Court shall deem the sub-letting reasonable, and shall sanction it; and there is another condition which I lay down, which will probably recommend my proposal to the Government, which is that the sub-letting should have taken place before the passing of the Act of 1881. I beg to move my Amendment.

Amendment proposed,

At the end of the Clause, to add the words—"Where a portion of a holding is sub-let, the tenant of such holding shall nevertheless, for the purpose of the said Act, and this Act, be deemed to be in occupation of the same, if the portion sub-let does not in itself constitute a holding to which the said Act applies, and if the Court deems the sub-letting reasonable and sanctions the same."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there added."

MR. GIBSON: This Amendment proposes that even if the sub-letting is not for the purpose of accommodating labourers employed on the holding that the sub-letting can take place without being deemed a breach of the statutory obligations of the tenant. To illustrate the effect of the Amendment, I would say that under the Act of 1881 a cottier's holding of half-an-acre does not come within the perpetuity section; accordingly, it would come within the provision which would exclude it from the meaning of the Act. That cottier, according to the hon. Member's Amendment, would not exclude the tenant of the land from the benefits of this Bill, notwithstanding that he, the cottier, might pay to the tenant 10 or 15 or even 100 per cent over a fair rent, and over what the tenant pays to the landlord. This Amendment proposes that the cottier, who has been made a cottier in violation of the Act of 1881, without the consent of the landlord, and who can get no relief against an exorbitant rent, who does not do one stroke of work on the holding, and although he pays an appreciable portion of the rent which the tenant hands over to the landlord, shall not be constituted a breach of the terms of the Act of Parliament. It proposes that the sub-tenant should remain in occupation if the Court should be of opinion that under all the circumstances of the case he should be allowed to remain. We do not think that a proper state of things. We all know that in the case of small sub-lettings, especially at the expiration of a lease, the landlord has been able to insist that the tenant is not in *bonâ fide* occupation of the holding, and that the sub-letting, although it may be trifling, is contrary to the provisions of the lease. That matter we have dealt with at the end of this clause. Whether we are right or wrong in our contention we cannot accept this proposal. The Amendment would give a dangerous discretion to the Court, and we think that the Court should not be allowed to work on this question of sub-letting at large, but should have guides and landmarks to assist it. We think the Amendment would be inconsistent with what we have already done; and, having said so much on the subject, I trust the hon. Member will withdraw his proposal.

MR. T. C. HARRINGTON: The right hon. and learned Gentleman seems to have a great deal of sympathy for the unfortunate cottier who has to pay a very high rent. He has told us of cases where they have to pay exceedingly high rents for cottages of this kind. Well, I must say the right hon. and learned Gentleman adopts an extraordinary method of offering protection to the cottier, when he gives the tenants of Ireland an inducement to shut them out of their holdings. If it be true that in certain districts cottages are let to labourers without land, it must be for the reason that houses are very scarce there. No cottier would pay a rent three or four times more than it should be for a cottage without land, unless it were impossible for him to get better terms in the district. But the proposal of the right hon. and learned Gentleman is this—that the farmer, in order to obtain his rent, shall be obliged to cast out any unfortunate cottier on his holding homeless and adrift on the world.

He seems to make it a condition that the tenant should not be able to get any relief from the Court unless he casts out his unfortunate sub-tenants. Take the case of a blacksmith who has no other connection with the farm than holding a forge on one corner of the land. In order to enable the tenant to go into Court to obtain the benefit of the Act it will be necessary for him to turn out the smith, and to compel him to look for a place on which to set up his forge somewhere else, where it may be extremely inconvenient and, at times, impossible for him to obtain it. I should like to point out that the argument of the right hon. and learned Gentleman is based upon a complete fallacy as to the exorbitant rents charged. If an exorbitant rent is charged for cottages placed on the holding, there is a provision in this very clause we are discussing to enable the Court to reduce it. There is a provision enabling the Court to deal with that rent just as it deals with the rent of the tenants.

Mr. GIBSON: Only in the case of labourers.

Mr. T. C. HARRINGTON: We have been endeavouring to extend the provision to all such cases, and we have no objection to the provision being extended so far. We think the effect of this will be that unless a man incurs a great amount of unpopularity by casting out an unfortunate widow, or some smith who wants a piece of land for his forge—that unless a man runs a risk of that kind he is bound to be turned out of Court, and is unable to obtain a re-adjustment of his rent.

Mr. M'CARTAN (Down, S.): What is asked by this Amendment? We simply ask that the labourers in the North of Ireland, for whom so little has been done by the Labourers' Acts that have been passed—because they have scarcely ever been put in force—shall have a roof to cover them, and that the farmers who give them their homes shall not lose their right to go into Court through having done so. The proposal here made cannot touch or affect prejudicially the interests of the landlords; and that being so, and as it will be a convenience for the tenant and for the labourer, surely this Government, which professes to have the interests of the labourers so much at heart, will, on reflection, see the desirability of accepting this proposal. If they were not inclined to do so before, I trust that having heard the evidence of the hon. and gallant Gentleman the Member for North Armagh (Colonel Saunderson) on behalf of the labourers they will now be induced to accept the Amendment.

Mr. DILLON (Mayo, E.): Before the Committee go to a Division upon this Amendment I should like to express extreme regret that the Government have found it necessary to hedge round this new clause. There seems to prevail great misapprehension on this question of sub-letting. Some Members of the Committee seem to think that our object is to encourage sub-letting, but nothing can be further from the facts of the case. This Amendment can only deal with cases of sub-letting which are actually now in force. Therefore, there can be no question of encouraging sub-letting when we only deal with sub-letting that now exists. In all cases of sub-letting there should be reductions given to the sub-tenants as well as to the tenants. We not only desire that the clause should be put in operation where small portions of land are sub-let for the sake of the farmer, but we think it equally desirable for the sake of the labourer or householder. I cannot understand what object the Government have in fencing the clause round with these provisions. The Government have given no reason for their position. As I have said, there is not a shadow of a foundation for the aspersion that we desire to encourage sub-letting. Our proposal, we maintain, would have a precisely opposite effect. Whatever effect it will have will be to do that justice to all parties which we desire. All the arguments in favour of applying this clause to farms on which there are no sub-lettings, except to a few labourers, apply also to estates upon which there are sub-lettings. The position of the Government is this—according to the contention of the right hon. and learned Gentleman the Attorney General for Ireland, that where there are sub-lettings the sub-tenants are charged a monstrous rent from which they get no relief, and that so long as that continues the head tenant is not to be allowed to come into Court to obtain a fair rent. That means, then, that the head tenant is to go on paying a rack-rent, and is to go on charging a rack-rent to his tenant.

Mr. T. P. O'CONNOR (Liverpool, Scotland): I want to know who are the friends of the labourers to-night. There is no cry which has been more frequently raised than that of the hon. and gallant Gentleman the Member for North Armagh (Colonel Saunderson), and some hon. Gentlemen on this side of the House, whom I need not further describe—a cry that they are the true friends of the labourer, who have rescued him from the ruin sought to be imposed upon him by Gentlemen on these Benches. That, I think, comes rather strongly from men who during the whole course of their political existence have never done a thing for the labourer, or who, if they have ever done any good to him, have only done it by chance. When an opportunity is presented to these hon. Gentlemen to do something for the labourer, the loud mouths of these labourers' friends are still—these hon. Gentlemen sit in solemn silence. For the last hour we have been endeavouring to press upon the Government, not that they shall enlarge the present rights of the labourers, but that they shall not cut them down. At the present moment, with all due respect to the right hon. and learned Gentleman the Attorney General for Ireland, the question is not that of enlarging the scope of the Labourers' Act, but of carrying out the spirit of the legislation on those Acts. The effect of rejecting this Amendment will be that large numbers of farmers in Ireland, in order to escape from rack-rents, will be compelled to subject a large number of labourers, or labourers' widows in Ireland, to the misery and hardship of eviction. Can the right hon. and learned Gentleman deny that? Are we asking anything unreasonable when we ask the right hon. and learned Gentleman and his Colleagues not to punish the farmer for carrying out the spirit of previous Acts of the Legislature for the relief of the labourers? How does this case stand? In a great many parts of Ireland the labourer has given to him a small house—sometimes it is a forge, or some other convenience—by the farmer. Might I, through you, Sir, ask the right hon. Gentleman the Member for the Sleaford Division of Lincolnshire (Mr. Chaplin) not to embarrass the discussion of this important question by speaking in a tone of voice so loud as to be hardly in accordance with that decorum of which the right hon. Gentleman is so distinguished an advocate in this House? What will be the case if this Amendment be not accepted? The result will be that the farmer, in order to get relief himself, must inflict hardship upon the labourer to whom he wishes to act in a fair and proper spirit. While this great act of injustice is being done both to the farmer and the labourer in Ireland, the labourers' friends opposite sit glued to their seats; the Government are allowed to adopt this inhuman, harsh, and prejudicial course without remonstrance. I trust this appeal will meet with some response, and that before rejecting this Amendment the Government will find some better argument against it than that which the right hon. and learned Gentleman has advanced.

Question put.

The Committee *divided*:—Ayes 122; Noes 194: Majority 72. [10.10 p.m.]

AYES.

Acland, C. T. D.
Allison, R. A.
Anderson, C. H.
Asquith, H. H.
Atherley-Jones, L.
Blane, A.
Bradlaugh, C.
Broadhurst, H.
Burt, T.
Buxton, S. C.
Campbell, Sir G.
Campbell, H.
Campbell-Bannerman, right hon. H.
Chance, P. A.
Channing, F. A.
Clancy, J. J.
Condon, T. J.
Connolly, L.
Conway, M.
Conybeare, C. A. V.
Cossham, H.
Cox, J. R.
Cozens-Hardy, H. H.
Crawford, D.
Cremer, W. R.
Crilly, D.
Dillon, J.
Duff, R. W.
Esmonde, Sir T. H. G.
Esslemont, P.
Fenwick, C.
Ferguson, R. C. Munro-
Finucane, J.
Flower, C.
Flynn, J. C.
Fox, Dr. J. F.
Gilhooly, J.
Gill, T. P.
Gourley, E. T.
Gray, E. D.
Grey, Sir E.
Harrington, E.
Harrington, T. C.
Harris, M.
Hayden, L. P.
Healy, M.
Hooper, J.
Hunter, W. A.
Joicey, J.
Jordan, J.
Kennedy, E. J.
Kenny, C. S.
Kenny, J. E.
Kenny, M. J.
Lawson, Sir W.
Lea, T.
Lefevre, right hon. G. J. S.
Macdonald, W. A.
Mac Neill, J. G. S.
M'Arthur, W. A.
M'Cartan, M.
M'Donald, P.
M'Ewan, W.
M'Kenna, Sir J. N.
Mahony, P.
Mappin, Sir F. T.
Marjoribanks, rt. hon E.
Marum, E. M.
Mason, S.
Mayne, T.
Molloy, B. C.
Montagu, S.
Morgan, O. V.
Morley, A.
Mundella, rt. hn. A. J.
Murphy, W. M.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, P.

O'Brien, P. J.
O'Connor, J. (Kerry)
O'Connor, T. P.
O'Doherty, J. E.
O'Hanlon, T.
O'Kelly, J.
Parker, C. S.
Pickard, B.
Pickersgill, E. H.
Picton, J. A.
Pinkerton, J.
Plowden, Sir W. C.
Pyne, J. D.
Quinn, T.
Redmond, J. E.
Redmond, W. H. K.
Reynolds, W. J.
Roberts, J. B.
Roe, T.
Roscoe, Sir H. E.
Rowlands, J.
Rowntree, J.
Russell, T. W.
Samuelson, G. B.
Schwann, C. E.
Sexton, T.
Sheehan, J. D.
Sheehy, D.
Sheil, E.
Shirley, W. S.
Stack, J.
Stansfeld, rt. hon. J.
Sutherland, A.
Swinburne, Sir J.
Tanner, C. K.
Tuite, J.
Wallace, R.
Warmington, C. M.
Will, J. S.
Williams, A. J.
Williamson, S.
Wilson, H. J.
Woodhead, J.
Yeo, F. A.

TELLERS.

Biggar, J. G.
Sullivan, D.

NOES.

Agg-Gardner, J. T.
Ainslie, W. G.
Aird, J.
Amherst, W. A. T.
Anstruther, Colonel R. H. L.
Anstruther, H. T.
Ashmead-Bartlett, E.
Balfour, rt. hon. A. J.
Barry, A. H. Smith-
Barttelot, Sir W. B.
Bass, H.
Bates, Sir E.
Baumann, A. A.
Beadel, W. J.
Bentinck, Lord H. C.
Beresford, Lord C. W. De la Poer
Blundell, Col. H. B. H.
Bond, G. H.
Boord, T. W.
Bridgeman, Col. hon. F. C.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Brookfield, A. M.
Bruce, Lord H.
Burghley, Lord
Campbell, J. A.
Carmarthen, Marq. of
Chamberlain, rt. hn. J.
Chaplin, right hon. H.
Charrington, S.
Clarke, Sir E. G.
Cochrane-Baillie, hon. C. W. A. N.
Coghill, D. H.
Collings, J.
Colomb, Capt. J. C. R.
Commerell, Adml. Sir J. E.
Compton, F.
Cooke, C. W. R.
Corbett, J.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Cranborne, Viscount
Cross, H. S.
Dalrymple, Sir C.
Davenport, H. T.
Davenport, W. B.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dickson, Major A. G.
Dimsdale, Baron R.
Dixon-Hartland, F. D.
Dorington, Sir J. E.
Duncan, Colonel F.
Dyke, rt. hn. Sir W. H.
Edwards-Moss, T. C.
Egerton, hon. A. J. F.
Egerton, hon. A. de T.
Elliot, hon. A. R. D.
Elton, C. I.
Evelyn, W. J.
Ewart, W.
Fergusson, right hon. Sir J.
Field, Admiral E.
Finch, G. H.
Finlay, R. B.
Fisher, W. H.
Fitzgerald, R. U. P.
Fletcher, Sir H.
Folkestone, right hon. Viscount
Forwood, A. B.
Fowler, Sir R. N.
Gathorne-Hardy, hon. A. E.
Gent-Davis, R.
Gibson, J. G.
Gilliat, J. S.
Goldsworthy, Major-General W. T.
Gorst, Sir J. E.
Goschen, rt. hon. G. J.
Gray, C. W.
Grimston, Viscount
Gurdon, R. T.
Hall, C.
Hambro, Col C. J. T.
Hamilton, right hon. Lord G. F.
Hamilton, Lord C. J
Hanbury, R. W.
Hardcastle, F.
Heath, A. R.
Heathcote, Capt. J. H. Edwards-
Heaton, J. H.
Heneage, right hon. E.
Herbert, hon. S.
Hermon-Hodge, R. T.
Hill, right hon. Lord A. W.
Hoare, S.
Hobhouse, H.
Holland, rt. hon. Sir H. T.
Holloway, G.
Hornby, W. H.
Howard, J. M.
Howorth, H. H.
Hozier, J. H. C.
Hughes, Colonel E.
Isaacs, L. H.
Isaacson, F. W.
Jackson, W. L.
Jarvis, A. W.
Jeffreys, A. F.
Johnston, W.
Kelly, J. R.
Kennaway, Sir J. H.
Kenrick, W.
Kenyon, hon. G. T.
Kenyon-Slaney, Col. W.
Kerans, F. H.
Kimber, H.
King-Harman, right hon. Colonel E. R.
Knowles, L.
Lafone, A.
Lawrence, W. F.
Lees, E.
Leighton, S.
Lewisham, right hon Viscount
Long, W. H.
Low, M.
Macartney, W. G. E.
Macdonald, rt. hon. J. H. A.
Maclean, F. W.
Maclean, J. M.
Maclure, J. W.
M'Calmont, Captain J.
Madden, D. H.
Mallock, R.
Marriott, rt. hn. W. T.
Matthews, rt. hon. H.
Maxwell, Sir H. E.
Mills, hon. C. W.
Morrison, W.
Mount, W. G.
Mowbray, rt. hon. Sir J. R.
Mulholland, H. L.
Murdoch, C. T.
Norris, E. S.
Norton, R.
Paget, Sir R. H.
Pelly, Sir L.
Plunket, rt. hn. D. R.
Powell, F. S.
Price, Captain G. E.
Raikes, rt. hon. H. C.
Rankin, J.
Rasch, Major F. C.
Reed, H. B.
Ritchie, rt. hon. C. T.
Robertson, J. P. B.
Robinson, B.
Round, J.
Sandys, Lieut-Col. T M.
Saunderson, Col. E. J.
Seton-Karr, H.
Sidebotham, J. W.
Sidebottom, T. H.
Sidebottom, W.
Sinclair, W. P.
Smith, rt. hon. W. H.
Stanhope, rt. hon. E.
Stanley, E. J.
Stephens, H. C.
Stewart, M. J.
Swetenham, E.
Tapling, T. K.
Temple, Sir R.
Theobald, J.
Thorburn, W.
Tomlinson, W. E. M.
Trotter, H. J.
Tyler, Sir H. W.
Vernon, hon. G. R.
Walsh, hon. A. H. J.
Waring, Colonel T.
Webster, Sir R. E.
Webster, R. G.
Weymouth, Viscount
Wharton, J. L.
White, J. B.
Whitley, E.
Wiggin, H.
Williams, J. Powell-
Wodehouse, E. R.
Wortley, C. B. Stuart-
Wright, H. S.
Wroughton, P.
Yerburgh, R. A.
Young, C. E. B.

TELLERS.

Douglas, A. Akers-
Walrond, Col. W. H.

MR. MAURICE HEALY: The reception my Amendment has met with has not been very encouraging to us to endeavour to amend this clause, but we must not be discouraged by that fact, seeing the responsibility we have in this matter. I have another Amendment to propose at the end of the clause, as follows:—

> "Where portion of the holding is sub-let, and if the sub-letting existed at the passing of 'The Land Law (Ireland) Act, 1881,' the landlord shall be deemed to have consented to such sub-letting until the contrary is proved."

The right hon. Gentleman the Chief Secretary will see that this Amendment does not in any way enlarge the provision as to sub-letting; it simply puts upon the landlord the burden of proof that he did not consent to the sub-letting. There have been two decisions recently in the Irish Court of Appeal bearing very strongly upon the practice of sub-letting—two decisions of the utmost importance, which have placed the tenants of Ireland in considerable difficulty. I refer to the cases of "Flannery *v.* Nolan," and "M'Conky *v.* Robinson." I hold in my hand a letter from the junior barrister engaged in those cases, and perhaps it may be satisfactory to the Committee that I should tell them what this Gentleman says. He says that up to less than a year ago it was understood that an express consent was necessary on the part of the landlord, and that consent could be implied from very slight circumstances. The knowledge of the landlord of the fact of their being a sub-letting, and his making no objection, was held to be sufficient to justify such sub-letting. If it had been otherwise, the Act, except in regard to small holdings, would have been a dead letter. But now, in consequence of these two decisions, it may be taken that unless there is an express consent by the landlord, his consent cannot be assumed. In one case it was settled that if a holding was let to a tenant, with a sub-tenant then on the land, it could not be brought within the terms of the Land Act unless the express consent of the landlord, in respect of that sub-letting, were shown. Such is the view of this gentleman who wrote to me; and I would point out that it is not at all the view of the Nationalist, but the view of a barrister of large experience with the working of the Act. I should be happy to pass this letter on to the right hon. and learned Gentleman the Attorney General, who, I believe, knows the writer intimately. Under the circumstances, I ask the Government, at any rate, not to oppose this Amendment. It does not enlarge the tenant's right of sub-letting, but merely provides that where sub-letting existed at the time of the passing of the Land Act of 1881 the landlord shall be assumed to have consented to them, unless proof is given to the contrary.

Amendment proposed,

At the end of the Clause, to add the words,—"Where portion of a holding is sub-let, and if the sub-letting existed at the passing of 'The Land Law (Ireland) Act, 1881,' the landlord shall be deemed to have consented to such sub-letting until the contrary is proved."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there added."

Mr. GIBSON: The hon. Member has referred to two cases in illustration of his view. I am at a loss to understand how, if sub-lettings existed at the time of the passing of the Act of 1881, and the consent of the landlord has not been proved, it should be assumed that the landlord has given his consent. I myself was engaged in the case of "McConky *v.* Robinson," and the facts of the case are these. The tenant, who paid a rental of £100 for 120 acres, had sub-let half-an-acre of land for which he charged £5. The landlord of the middleman, who was a rich trader living in a town, was not aware of the sub-letting. There was no evidence in the case to convince the jury that the landlord was acquainted with the fact of the letting, and it was impossible for them to have arrived at any other conclusion than they did. The hon. Member asks that where a portion of the land is sub-let, and the sub-letting existed at the passing of the Land Act of 1881, the landlord should be deemed consenting to such sub-letting until the contrary is proved—that is to say, that the landlord shall be deemed to have consented, although everyone might know to the contrary. This is asking that the Court shall adopt a different standard of proof in these particular cases, and to this the Government are not able to consent.

Mr. MAURICE HEALY: My Amendment provides that the sub-letting must have been in existence at the time of the passing of the Act of 1881. Until that Act was passed it was competent for a tenant to sub-let as much as he liked. I ask the Committee to realize the state of things which the right hon.

and learned Gentleman defends. He defends the decision of the Court of Appeal in the case referred to, and he says it would have been a great injustice to the landlord if any other decision had been arrived at. He admits in that case that the tenant had a holding of 120 acres, that he had sub-let half-an-acre, and on that account he was shut out from the benefit of the Land Act; and he says it would have been a great injustice to the landlord if it had been otherwise. I am not going to defend the letting of half-an-acre of land at £5 a-year. We are here to defend both labourers and farmers, and, if necessary, I say let the right hon. Gentleman the Chief Secretary take power to deal with and regulate the amount at which land shall be sub-let.

Mr. GIBSON: I never said that the case would apply under the present law, because, if the letting appeared to be of a trivial character, it would not affect the case.

Mr. MAURICE HEALY: In this case the landlord was examined and proved that he did not assent; but by my Amendment it is assumed that the sub-letting was with his consent until it is proved to the contrary. I assert that it was a gross injustice that the tenant should be shut out of the benefits of the Land Act in the case in question, and it is an interesting commentary on this Bill when the right hon. and learned Gentleman says that such a state of things is right.

Mr. Serjeant MADDEN (Dublin University): There was nothing decided in the case of "Fleming *v.* Nolan," in the Court of Appeal in Ireland, antagonistic to the principle laid down by the right hon. and learned Gentleman the Attorney General for Ireland—namely, that the Court could infer consent from the dealings of the parties and the circumstances of the case. I was counsel in the case before the Court of Appeal in Ireland.

Mr. CHANCE: The point is that under the clause before the Committee the tenant is required to bring home to the landlord absolute knowledge that the sub-tenant has paid rent. Of course, it is impossible to prove that a person knows of an agreement made between two persons when he was not present. This clause is intended for the relief of tenants who would not, up to the present time, be able to get a fair rent fixed; under Clause 1 they are entitled to apply to the Court for that purpose. What would be the position of a tenant under this clause sub-letting a small portion of land? His position would be this, that before going into Court he would be compelled to evict his sub-tenant—that will be the effect of a Bill brought in for the purpose of preventing harsh and illegal evictions. The leaseholder will be forced to evict these unfortunate sub-tenants, and no doubt there will be very little difficulty in doing that, because they hold weekly or monthly, or very seldom yearly.

Mr. O'DOHERTY (Donegal, N.): It is hard that we should be placed in the position of appearing to object to this clause; but we are unavoidably drawn into that position by the provision inserted in it by the Government. As far as I can understand the interpretation put on the matter, it is that a tenant who has sub-let is not deemed to be in occupation. This objection to sub-letting was never heard of before the Act of 1881. It is true that in the Act of 1870 there was a provision which allowed the landlord to use the notice to quit for the purpose of putting down the sub-letting to which he objected; but from 1870 to 1881 there was no owner in Ireland who could put an end to sub-letting without compensation. From 1870 to 1881, and since, innumerable sub-lettings have occurred, and in respect to these the Courts in Ireland have not held that the mere fact of a landlord not using the machinery of the Act of 1870 did not amount to consent. A case came before the Court of Appeal in Ireland relating to the estate of one of the London Companies. I had in my hand the original valuation made for the purpose of fixing the rent for a 21 years' lease; the lease had expired, and the tenant became a tenant from year to year. He was then entitled to come into Court and claim a fair rent; he did so, and the sub-letting which was set forth in the valuation, and which was one of the factors on which the rent was based, was the very letting in respect of which the claim was dismissed. We urge strongly on the Government the injustice of allowing a sub-letting of that kind to prevent a man from having the benefit of the Act. Will the Government bring up a clause on Report to prevent the landlord from using this for the purpose of keeping up an unjust and unfair rent? They surely cannot object to a man placed in the position I have described getting the benefit of the Act. Surely it is right that we who are the Representatives of the tenants in Ireland should be listened to on a proposal of this kind, which is made simply in the interest of justice, and which cannot injure the landlords the extent of one farthing. The clause of the right hon. Gentleman the Chief Secretary would have the effect of clearing all holdings of sub-tenants before the tenants could go into Court. In the North of Ireland, when a parent became incapacitated for work, the old system was to give him an acre of land, a cow's grass and other matters; but now the effect of the clause will be that every man who makes provision in this way for his aged parent will be shut out. There is no harm to anyone in subletting land; I might say that no harm would be done if in the West of Ireland the land was sub-divided into square yards. It is perfectly unreasonable for the Government to suppose that they can put a stop to these old customs, and I strongly urge the right hon. Gentleman to assent to the Amendment of my hon. Friend.

Question put.

The Committee *divided:*—Ayes 129; Noes 214: Majority 85.—(Div. List, No. 346.) [11.20. P.M.]

Question, "That the Clause, as amended, be added to the Bill," put, and *agreed to.*

New Clause—

(Exceptional provisions for certain leaseholders.)

"A lease to which section one of this Act would otherwise apply, shall be deemed to be within the said section if made after the passing of 'The Land Law (Ireland) Act, 1881,' and before the first day of January, one thousand eight hundred and eighty-three, where the lessee had been tenant in occupation of the holding under a contract of tenancy expiring after the twenty-ninth day of September, one thousand eight hundred and eighty, and had thenceforward continued in such occupation as tenant or caretaker, or otherwise, to the time of the making of such lease: Provided the court, having regard to all the facts of the case, is of opinion that the making of such lease was deferred with the object of evading the provisions of 'The Land Law (Ireland) Act, 1881,'" —(*Mr. A. J. Balfour,*) —*brought up,* and read the first and second time.

Mr. O'DOHERTY (Donegal, N.): The Amendment I desire to move to this clause is similar to an Amendment the hon. Member for Cork (Mr. Maurice Healy) proposed at an earlier stage of the discussion. Upon the 1st clause of the Bill it was explained that an Amendment similar to this was intended to refer to cases where, though a contract had been verbally agreed upon, it had not been carried out in a lease for a month or two after January, 1883, it should take effect. I find that has been omitted, and we are quite certain it has been omitted by mistake. The hon. and learned Attorney General (Sir Richard Webster) explained the other night that an agreement in writing is itself a lease, and therefore I hope the Government will accept what has previously been decided upon in Committee.

Amendment proposed to the proposed New Clause, after the word "made," in line 2, to insert the words "or made to take effect."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The Government accept the spirit of the hon. Gentleman's Amendment, but would prefer some such words as these—"or agreed to be made orally, or in writing."

Mr. O'DOHERTY: I shall be glad to substitute the words suggested by the right hon. and learned Gentleman.

Amendment, by leave, *withdrawn.*

Amendment proposed to the proposed new Clause, after the word "made," in line 2, to insert the words "or agree to be made orally, or in writing."—(*Mr. O'Doherty.*)

Question, "That those words be there inserted," put, and *agreed to.*

Dr. KENNY (Cork, S.): I beg to move to leave out "eighty three," in line 4, and insert "eighty six." The reason I have for doing this is that it is perfectly notorious that the limitation to 1883 is on the whole an unjust limitation to a large number of tenants in Ireland. It is notorious that in the four years subsequent to the passing of the Act of 1881, many tenants have been forced by the landlords to take leases under very distressing circumstances. I had recently a case occurring in the Division of Cork I have the honour to represent brought under my notice. A tenant from year to year had two daughters, both of whom married. He let a portion of his farm between his two sons-in-law without the landlord's acknowledgment of the tenancy. It so happened that one son-in-law failed to pay the rent of the farm which had been given to him, and when the other son-in-law tendered the rent to the landlord, he was met with a flat refusal unless he undertook to pay the rent of the entire farm. The farm is already rack-rented, and it was as much as the man could do to pay the rent of his own portion. The landlord threatened to evict him unless he would accept the land at an increased rent, and at the present moment the man is holding at an increased rent. I could multiply such instances without number. It is perfectly notorious in Ireland, whatever Gentlemen on the Treasury Bench may say, that such cases as this are frequent. We regard this as a perfectly fair Amendment; and we think that, considering the exceedingly depressed time for agricultural labour and agricultural produce in Ireland, the Government should agree to accept the Amendment.

Amendment proposed to the proposed New Clause, in line 4, to leave out the words "eighty three," and insert the words "eighty six," in lieu thereof.—(*Dr. J. E. Kenny.*)

Question proposed, "That the words 'eighty three' stand part of the Clause."

Mr. GIBSON: The proposal which is made by the hon. Gentleman is one which I think would create a very large and undesirable extension of time. As mentioned in a previous discussion in this House, it was provided under the Act of 1881 that if there was an actual tenancy subsisting when that Act passed, and if there was a letting made some time before the 1st of January, 1883, that letting so made might be treated as a present tenancy and not as a future tenancy. The Committee will recollect, of course, that a present tenant is entitled to all the benefits of the Act. It is quite plain that we must fix a limit, and the one we have adopted we consider is a reasonable one, and will cover all the cases which should be covered. I do trust that this concession of ours, which is a *bonâ fide* attempt to meet the difficulty, will be accepted by hon. Members. I do not suppose that hon. Members will think it goes quite far enough; but after all we have done to meet the difficulty which was suggested, I trust that hon. Members will meet us in a fair spirit, and allow us to proceed with the clause.

Mr. MAURICE HEALY (Cork): I quite admit the right hon. and learned Attorney General has made a valuable concession, and I only rise to ask him why he omitted from this clause the Proviso which he himself attached to the 4th clause relating to a lessee?

Mr. T. W. RUSSELL (Tyrone, S.): This clause as it originally stood was intended to enfranchise a certain class of people. I think the Government have done more than they were asked to do, and that, therefore, it is not fair to press them unduly upon this point. But there is, however, one point in the Proviso to which I hope the right hon. and learned Attorney General for Ireland will turn his attention. How is the tenant to prove that the delay was for the object of avoiding the provisions of the Land Law (Ireland) Act, 1881? I think there would be great difficulty about that. The mere fact that the lease ran out and was not renewed until after the passing of the Land Act ought to be sufficient. I acknowledge the liberality of the Government in framing the clause, but I think the Proviso is a bad one.

Mr. GIBSON: I will state as fully as I can our views upon this matter. In regard to what fell from the hon. Gentleman the Member for Cork (Mr. Maurice Healy), I will only say I have no objection to incorporate the Proviso to which he has referred. As to the remarks of the hon. Member for South Tyrone (Mr. T. W. Russell), it appears to me the Proviso to this clause is a necessary one in order to show the principle upon which we go. In my opinion, this Proviso will in no way frustrate the benefit of the operation of the section. It is essential to show that where a man has ceased to be tenant the landlord should not be, *ipso facto*, bound by a present tenancy when he has made a future letting merely from motives of charity. He has allowed the man to remain in occupation, and made a subsequent letting. I think it would be a very strong thing if a tenant had any right whatever, under an expired lease, to become a present tenant, because the landlord without any indirect object, or from motives of kindness, allowed him to remain in occupation as caretaker, and because afterwards a member of his family came from America, or some new circumstance intervened and occasioned a letting, which had not been in the contemplation of the landlord when the lease dropped. That is the principle of our Proviso. Let me say why the Proviso will not have the effect the hon. Gentleman the Member for South Tyrone anticipates. As originally drawn, the Proviso might have been open to the hon. Gentleman's objection. I assure him that my object in drawing this clause under the guidance of my right hon. Friend has been *bonâ fide* to act upon principle, and where principle has not been violated to make the measure as extensive as possible. It has been no object of ours in dealing with this matter to cut it down and to be niggardly. The Amendment as it originally stood might have been open, as I say, to the criticisms of my hon. Friend, but what does it provide in its present form? It provides that—

> "The Court, having regard to all the facts of the case, is of opinion that the making of such lease was deferred with the object of evading the provisions of 'The Land Law (Ireland) Act, 1881.'"

It may inquire whether the lease was deferred with a particular object. I will give an illustration. Supposing a lease fell in on the 25th of March, 1881, and the holding is a fairly prosperous holding, the tenant is a fairly comfortable tenant, and the landlord, having no avowed object in deferring the letting, leaves the man as caretaker for a year, and then makes a lease. If the Court has to draw an inference, the Court will say—"You have in a wholly inexplicable way allowed the man to remain in occupation until the Act was passed, and I say your object was to get out of the Act." I think the hon. Gentleman the Member for South Tyrone will possibly be satisfied with the explanation I have given. As I have said already, hon. Gentlemen below the Gangway may not think the clause goes far enough, but we have done the best we can, and we are not prepared to abandon the principle upon which we have acted. I do not think hon. Members can, looking at the clause, say that we have not conscientiously striven to make the measure of relief as large as possible. We have introduced the word caretaker so as to meet the difficulties suggested by hon. Members, though, in my opinion, the word "occupation" was already sufficient. I think hon. Members ought to show the same spirit of concession to our views as we have shown to theirs.

Amendment, by leave, *withdrawn.*

Mr. DILLON (Mayo, E.): I beg to move to omit all the words from "as," in line 8, to "lease," in line 9, inclusive. We recognize that, in this particular clause, the Government have made a very important concession; but we consider it a great hardship that the Government should require that a tenant, in order to take advantage of this concession, shall remain in continuous occupation. They have recognized the fact that if the tenancy is broken by means of the excution of an ejectment decree, that is not to deprive a tenant of the right, in case a new letting is made, to come into Court to get the benefit of the clause. If the tenant is only out of the holding one week he will lose. I ask the Government is there any reason for a provision of this kind. Under the circumstances, I hardly suppose the Government will refuse my Amendment.

Amendment proposed to the proposed New Clause, to leave out all the words after the word "as," in line 8, to "lease," in line 9, inclusive, to the end of the Clause."—(*Mr. Dillon.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. GIBSON: Our intention is that the occupation should be continuous; and, therefore, it is impossible for us to accept the Amendment.

Mr. DILLON: Will the right hon. and learned Gentleman undertake to think the matter over between this and Report?

Mr. GIBSON: I think there is a very important principle at stake, and therefore I do not see how we could meet the views of the hon. Gentleman.

Amendment, by leave, *withdrawn.*

Mr. DILLON: I now beg to move to omit all the words after "lease," in line 8. Very great objection exists to the wording of this Proviso. There is very great fear on the part of many Members on our side of the House that this Proviso will have the effect, in many instances, of cutting out an enormous number of the very people to whom it is intended to give relief. The difficulty might be overcome by a very slight alteration of the Proviso. The Proviso might, with advantage, be made to run —"Provided the Court, having regard to all the facts of the case, is of opinion that the making of such lease was deferred with the effect of evading the provisions of 'The Land Law (Ireland) Act 1881.'" I do not think the Government can really see any serious objection to such an alteration in the wording of the Proviso. It is enormously difficult in a Court of Law to prove the object in men's minds.

Amendment proposed, in line 8, to leave out all the words after the word "lease," to the end of the Clause."—(*Mr. Dillon.*)

Question proposed,

"That the words 'Provided the Court, having regard to all the facts of the case, is of opinion that the making of such lease was deferred with the object of evading the provisions of 'The Land Law (Ireland) Act, 1881,' stands part of the Clause."

Mr. GIBSON (who was indistinctly heard) was understood to resist the Amendment.

Mr. DILLON: The observations of the right hon. and learned Gentleman have thrown a new light upon the matter. Take the case of two estates lying side by side in Ireland, each held by a leaseholder. Suppose the landlord of one is a lunatic. The Government surely are not going to maintain that Proviso for the purpose of depriving tenants, not through their own fault, but because their landlord happens to be either a lunatic, or away travelling in South America or anywhere else, of any hope of remedy under the benefits of this Act. The statement of the right hon. and learned Gentleman strongly confirms my opinion in favour of this Amendment.

Mr. MAURICE HEALY: I take a very strong view as to the effect of this Proviso, and I think I could prove to the right hon. and learned Gentleman the Attorney General for Ireland that that effect would be to repeal the clause. I do not say that as a figure of speech, but I say it intending to convey the literal meaning which the words bear. Is say that, for this reason, what the clause proposes is that the tenant may take the relief if the Court is of opinion that the making of the new lease is apparently for the object of evading the Act of 1881. But if the tenant has a lease it does not matter whether it was made before or after the passing of that Act. Take it this way. The tenant must prove that the landlord has deferred the making of the lease with the object of evading the Act; but the landlord may come into Court and say—"That cannot be, because whether I met the lease before or after the passing of the Act of 1881, the effect would have been the same, because the Land Act contained a provision excluding leases from its scope." That is what he may say where the landlord agrees to granting the tenant a new lease; it does not matter whether it was made before or after the passing of the Act; and the landlord may come and say—"The fact that I have given this tenant a lease is a conclusive proof that I did not do so with the object of evading the Land Act, because, even if I met it before the passing of the Land Act, it would have the effect of excluding the tenant from the benefit of that Act." If we were dealing with the yearly tenancy there would have been some meaning in this indictment. If all the landlord intended to do was to make a yearly tenancy, it would have made all the difference whether he did it before or after the passing of the Act, but it would not make a bit of difference where there was a lease. In the Act of 1881 there was a clause excluding leases. I submit that the effect of this Proviso is simply to repeal the clause.

Mr. O'DOHERTY: I think the right hon. and learned Gentleman the Attorney General for Ireland is retaining the very objection which destroyed that part of the Land Act of 1881, by insisting upon a Proviso of this description. What would be the effect? Take the fact of a good easy tenant and a good easy landlord, where one tenancy expired, say about 1881. Neither party is in a hurry to make a renewal of the lease as the tenant is on good terms with the landlord, holding under an arrangement which is perfectly satisfactory to him; but as time goes on it appears to the landlord impossible to continue that arrangement. Such a tenant as that I say will be deprived of the benefits of this Act. I would mention to the Committee the case of the tenant holding under a lease from the Irish Society. Suppose the lease expired before the 25th March, and before the Land Act was passed—it was passed in the month of August—such a tenant is at the mercy of the public. The man has remained a tenant for four or five years, and has got his tenant right recognized, which is a fair thing, and he is now a tenant under an agreement of the 25th of March this year. In any case of that description which occurred up to 1883 between an honest tenant and an honest landlord they will be excluded by the Act. The only case that the right hon. and learned Gentleman contemplates is the case where a tenant is allowed to remain in possession with the object on the part of the landlord of depriving him of the benefits of the Act. The landlord may say that it was not in his mind to give him his lease. I say with my hon. and learned Friend that the second clause is completely destroyed by the Proviso. What we want to protect is the tenant's interest, which existed in 1880. In 1880 certain persons thought of tenant right, and the landlords waited to see the effect of the Land Act of 1881. An agreement was made until after that when there were discovered certain technical objections in the measure preventing the tenant from getting the benefit of it. Under such circumstances, the tenant is at the mercy of the landlord, who would comply with the Act of 1881. It only applied to tenancies in existence in August, 1881. Where anyone can show that the tenancy had expired previous to that date, the landlord at once is cleared of having had any such object as that pointed out, because he did not deprive the tenant of anything. The landlords deprived the tenants of the benefits of the Act of 1870 in the North of Ireland. There, at the expiration of the tenancy, the tenant had a right to full compensation for the value of his tenant right; but he had not the right to have a fair rent fixed. The common case in our experience that we seek to guard against is the case where the landlord, taking advantage of the Act of 1881—not evading it, that is the whole point of the case—taking advantage of the *casus omissus* in that Act contracted with his tenant for some years, and deprived him, not of his rights under the Act of 1881, but of his rights under the Act of 1870. It seems to me that this Proviso could not be more ingeniously drawn for the purpose of defeating the entire clause. And with this Proviso in it I would give the Government a present of the clause. It is worth nothing at all, and is a mere mockery.

Question put.

The Committee *divided*:—Ayes 193; Noes 110: Majority 83.—(Div. List, No. 347.) [12.10 A.M.]

MR. O'DOHERTY: I have no hopes of carrying my Amendments to the clause after this decision; but I want the Committee to understand what it is I propose. It was that in all cases of leases executed after the expiration of 1882, if the object had been on the execution of the lease to evade the Act such leases should have the benefit of this measure. That would extend the protection of the clause intended for leaseholders to those who had no interest in the matter. As it is the clause is worth nothing. I believe that the whole Act will be known by the name of the right hon. and learned Gentleman who is at present engaged in passing it. But that it will not have the same flavour as that known as Ashbourne's Act.

MR. MAURICE HEALY: I wish to propose the words that the right hon. and learned Gentleman said he would accept at the end of the clause, adding these words—

> "In this section the word 'lessee' shall include the person who would have been the predecessor in title under the original contract."

MR. GIBSON: I do not think those are the exact words I proposed, and before the hon. Member moves them, I would ask for a further opportunity of considering them. The words I should propose to insert are not at this moment present to my mind. I am not saying that the hon. Gentleman is not quite right; but I do not think that those are exactly the words I mentioned. I should like to consider the matter if the hon. Member will be good enough to leave the matter over.

MR. MAURICE HEALY: I have written them out afresh; but, to the best of my recollection, they are the same the right hon. and learned Gentleman proposed. However, I will not move them now, but will bring them up on Report.

Motion made, and Question "That the Clause, as amended, be added to the Bill," put, and *agreed to.*

New Clause—

(Reduction of interest on loans under 33 and 34 Vic. c. 46, s. 45; 35 and 36 Vic. c. 32, s. 1.)

"Whereas by section forty-four and section forty-five of 'The Landlord and Tenant (Ireland) Act, 1870,' and by sub-section three of section one of 'The Landlord and Tenant (Ireland) Act, 1872,' the Commissioners of Public Works in Ireland (in this Act referred to as the Commissioners of Works) were authorised to agree to advance to a tenant purchasing his holding a sum not exceeding two-thirds of the value of the holding, and such advance is to be repaid by a charge made by virtue of the said sections, or by a security from the tenant, of an annuity of five pounds for every hundred pounds of such advance, payable to the Commissioners of Works for thirty-five years.

"And whereas in calculating such annuity interest was reckoned at the rate of three and one-half per centum per annum, and it is expedient to reduce the annual amount of the annuity by reducing the rate of interest and extending the term of the annuity: Be it therefore enacted as follows:—

"(1.) As from the gale next day after the passing of this Act any annuity charged on a holding under section forty-four or section forty-five of 'The Landlord and Tenant (Ireland) Act, 1870,' or section one of 'The Landlord and Tenant (Ireland) Act, 1872,' shall (save as hereinafter mentioned) be reduced from five per cent. to four per cent. on the amount of the advance; and shall be payable for such term as the Commissioners of Works may by order declare to be necessary for the repayment, with interest at three and one-eighth per cent. per annum, of so much of the advance as has not accrued due for payment on the said gale day, and the order shall, as soon as may be after the passing of this Act, be made and notified by post or otherwise, in manner directed by the said Commissioners, to the person appearing to them to be the tenant of the holding;

"(2.) Where on the gale day next after the passing of this Act there are unpaid arrears of instalments of the annuity in excess of the instalment due on the said gale day, this section shall not apply to such annuity except upon such order of the Commissioners of Her Majesty's Treasury (in this Act referred to as 'the Treasury') as hereinafter mentioned;

"(3.) Where the Treasury are satisfied upon the report of the Commissioners of Works that in the case of the purchaser of a holding whose instalments are so in arrear, the special circumstances are such that it is equitable to apply the provisions of this section to such purchaser, and to make such provision as hereinafter mentioned for the arrears, the Treasury may, if they think fit, order that on payment within the time limited by the order of a portion of the arrears, not being less than the amount of the instalments of the annuity for one year, if so much be due, the remainder of arrears shall be repayable by such addition to the amount of the annuity for repaying the advance as will repay the said remainder with interest at the rate of three and one-eighth per cent. per annum within the period at which the last-mentioned annuity will, by virtue of this Act or otherwise, terminate, and upon such order being made, and portion of arrears paid, this section shall apply, and the Commissioners of Works shall make an order accordingly, and by order charge the holding with the annuity for the repayment of arrears, and such charge shall have the same priority as the charge on the holding of the annuity in arrear;

"(4.) An order of the Commissioners of Works under this section shall be deemed, according as the case requires, to form part of the order under section forty-four or section forty-five of the recited Act, or of the security or deed charging the annuity,"—(*Mr. A. J. Balfour,*)

—*brought up*, and read the first time.

Motion made, and Question, "That the said Clause be now read a second time," put, and *agreed to.*

THE CHAIRMAN: The hon. Member for East Mayo (Mr. Dillon) has some Amendments to this clause; but I must point out that the Resolution passed this evening, when the Speaker was in the Chair, gives power to the Committee in regard to the part of a certain portion of any arrears due, to provide that the remainder of such arrears shall be payable by an addition to the amount of the annuity, and the words the hon. Member proposes to exclude seem to be a necessary condition to the payment provided for in the clause. The Committee has no authority except that conferred by the Resolution.

MR. CHANCE (Kilkenny, S.): May I be allowed to say that this evening, when the Speaker was in the Chair, the Resolution was reported to the House. I could not hear the terms of it; but fearing that something of this kind might arise, I appealed to the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen), as there were Amendments down dealing with this subject, and I asked him if he could tell the House whether these Amendments would be in Order under that Resolution. I can assure you, Sir, that he stated that these Amendments could be discussed under the Resolution. If any technical mistake has occurred, I do appeal to the right hon. Gentleman the Chancellor of the Exchequer that he will not allow us to be damnified, seeing that we accepted his statement. A mistake has been innocently committed, and I trust that the Government will, therefore take steps to put these Amendments in order.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): I can assure the hon. Member that I will do justice to him and his Friends in this matter. I had no idea that the Amendment of the hon. Member for East Mayo would be excluded by the terms of the Resolution. There was no desire on the part of the Government to prevent the Amendments being fully discussed. I scarcely know how the questions the hon. Member for East Mayo wishes to raise can be dealt with at the present stage. I do not know whether you, Sir, can suggest any method.

THE CHAIRMAN: The Committee has no authority beyond that conferred upon it under the terms of the Resolution of the House to-day.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I would suggest that we should discuss the question of the proposed new clause. It will be quite open to the hon. Member to object to any portion of it, and if he is successful in his objection the clause can be altered later on.

MR. T. W. RUSSELL (Tyrone, S.): If we enter upon this discussion handcuffed, what is the use of taking part in it at all? I must say that if I had had the slightest idea that the Resolution read from the Chair to-day covered what it is now declared to cover, I should have objected to it on the spot. No one could hear what it was as it was read, and I submit that it is too bad that those who are concerned for the interests of he glebe tenants should be absolutely handcuffed when they are called upon to discuss this matter.

MR. GOSCHEN: When the Resolution was on the Paper, the hon. Member could have examined it. He should have done so, and probably he would not have used such language. He would probably have come to a different conclusion. The Government are most anxious to meet the hon. Member for East Mayo (Mr. Dillon) and the hon. Member for South Tyrone (Mr. T. W. Russell), and to have this clause discussed. I see no course open to us, under the circumstances, than to drop the clauses for the present, if hon. Members object to going into the consideration of them handcuffed. We will adopt whatever course hon. Gentlemen opposite think most favourable to the development of their own views upon the matter. We will either drop the clauses, taking another opportunity, if it can be taken, of proposing them or following the suggestion of my right hon. Friend the First Lord of the Treasury, and discussing the clause, and then adopting whatever course is necessary afterwards to meet the views of hon. Gentlemen who think they are prejudiced by the particular form in which the clauses are brought on.

THE CHAIRMAN: In that part of the clause—

> "That on payment of a certain portion of any arrears due, which remainder of such arrears shall be repayable by such addition to the amount of the annuity for repaying the advance as will repay the said remainder with interest at the rate of 3½ per cent per annum,"

the hon. Member may move an Amendment to reduce the sum to a smaller amount.

MR. DILLON (Mayo, E.): I think I can raise the discussion I desire to raise by moving to substitute for the words in the clause "one month." I think that would practically carry out our object. We are only tied down with regard to the question of the payment of a proportion of the arrears, and in all other respects we are perfectly free. I have had my Amendment on the Paper for the past fortnight. The Government's Amendment is long and complicated, but I think that in this way we can discuss fairly all the principles involved in it. I thought perhaps the Secretary for Ireland would have explained the purpose of the clause before I moved my

Amendment. It seems to me the best course I can pursue in this matter will be to take the clauses as they come. Of course, the principle that is raised on the Amendment I have placed upon the Paper is to some of the clauses precisely the same—there are three or four dealing with this matter—but in others the case is different, as entirely different principles are raised. I will endeavour to explain the objects I have in view as clearly and as briefly as I can. The first of the new clauses is one having for its object to give relief to those tenants who have purchased their land under the Landlord and Tenant Act of 1870, under which the Commissioners of Public Works in Ireland are authorized to advance sums not exceeding two-thirds of the value of the holding. The only relief proposed to be given is to reduce the amount of the annual payment by the tenant from 5 per cent on the original amount advanced by the Commissioners to 4 per cent, and the capitalization of arrears. Neither one relief, however, nor the other can be obtained unless Her Majesty's Treasury considers, on the recommendation of the Land Commissioners, that the case is a deserving one. I am bound to say that the amount of relief which the Government propose to give is extremely small, and I should, in the first place, like to ask the Committee to consider what is the position of the purchasers under the Act of 1870. We know that the tenants bought their holdings at a time when land had a high value, and I have been told that some of the purchasers under that Act of 1870 bought their land under a fear that the estate would be sold to a land-grabber who is now a celebrated landlord, the result being that consequent on the peculiar state of things which then prevailed the prices given for the holdings were enormous. Now, what I propose to do is to enlarge this relief without any additional expense, and also without any additional risk. Of course, there is at first sight an extremely small margin of additional risk; but I would undertake to prove that, so far from increasing the risk to the Treasury, my proposition would, on the contrary, have the effect of diminishing the risk; because it has been shown that these men are honest, and they will be able to go on and make their payments with some possibility of not being broken. Indeed, I contend that there is abundant proof in the hands of the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen) that these men are, as I have stated, honest men, who have a determination to pay as long as they can possibly continue to do so. I will now ask the attention of the Committee and of the Government to the terms of the relief I propose and the nature of the relief proposed to be given by the Government. My Amendment, first of all, proposes that, instead of reducing the instalments from 5 per cent to 4 per cent on the original amount of the advance, the Commission should be ordered to discover what is the balance of the principal due to the Treasury, and that the instalments to be paid shall be 4 per cent for 49 years upon the amount of that balance, so as to place the tenants on the same footing as if they had purchased under Lord Ashbourne's Act. I contend that this would be a fair and reasonable measure of justice, and I can show that the Treasury would in no way be damnified, because these men have already paid back to the Treasury nearly half the entire amount originally advanced. This, then, I maintain would be a substantial amount of relief, and the result would be that a man who had borrowed £1,000 of original advance in 1871 would, supposing he had paid up his instalments to quite a recent date and was only slightly in arrear, have paid back about £450 to the Treasury and be indebted only to the extent of £650, and by getting the relief I propose the amount of his instalments would only be 60 per cent of what it would have been. Now, what, I ask, is the position of a great many tenants? They are in arrear to the extent of one or two years, and those arrears they are utterly and absolutely unable to pay. The best plan to adopt with regard to them is that which I propose, because they are admittedly extremely honest and pay to the best of their ability. What, I ask, is the use of affording relief to those men on conditions which make it impossible that they can take advantage of it? Because I consider that that is what it comes to. If you are about to offer relief do not hamper it with impossible conditions which will have no other effect than to show these poor tenants how, if they could only achieve that which, under the circumstance, is impossible, they might get out of their difficulties. With regard to the first part of the Amendment, which provides that the annuity of 4 per cent shall be calculated on the balance due to the Treasury, and not on the original advance, I would refer the Government to Section 23 of Lord Ashbourne's Purchase Act, the intention of which is that the payments to be made by the glebe tenants who are able to take advantage of that section shall be not on the amount of the original advance, but on the balance due to the Treasury. I do not wish unnecessarily to detain the Committee; but I might here say that I have another new clause to propose, as to which it is only fair, in order that the whole subject may be considered together, that I should offer a few words in explanation of its object. We all know that the tenants being glebe purchasers under the Acts of 1870 and 1881 were compelled to borrow from money-lenders and bankers, sums varying from one-fourth to three-fourths of the whole, and we have always contended that this was because of the ignorance of this House as to the real character of the Irish tenants; but when it became known that there existed in every tenancy in Ireland two interests, and that sometimes the tenant's interest was more valuable than that of the landlord, the Government came to us at the time of the passing of Lord Ashbourne's Act and gave the security of the tenant's interest as the security for the advance. I therefore put this question to the Government—on what ground can they refuse now, when they are going to open up this matter, to advance to the tenants the whole of the money. What I propose to do is to enact that it shall be open to the Land Commission, where they are satisfied that the money has been borrowed by the tenants and that it is still owing to the money lender or banker, to advance to the tenant the amount which is due so as to put him on the same footing as if he had bought under Lord Ashbourne's Act. This, it should be understood, is a matter of immense importance to a very large number of families, numbering in all about 10,000. It would not involve the advance of a very large sum of money. I do not know exactly how much it would require, but I estimate it at about £10,000. If the Committee can see their way to the acceptance of these Amendments, I believe that not only will the Treasury run no risk, but it would be able to afford substantial relief to a very large number of families who are now in a very desperate condition.

Amendment proposed to the proposed New Clause,

In line 20, after the word "reduced," leave out the words from the word "from" to the word "annuity" in line 29 inclusive, in order to insert the following words:—"In manner as in this section provided—(2.) The Commissioners of Works shall, in the case of each such annuity forthwith after the passing of this Act, ascertain the amount which remains unpaid of the principal money in respect of the advance of which such annuity is payable, and shall by order declare that payment of the amount so ascertained to be due shall be made and accepted by an annuity (which shall be in substitution for the original annuity) for forty-nine years from the said gale day, of four pounds for every hundred pounds of such amount, and so on in proportion for any less sum. Every such order shall, as soon as may be after the making thereof, be notified by post or otherwise, in manner directed by said Commissioners, to the person appearing to them to be the person liable to pay the annuity."

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. GOSCHEN: The hon. Gentleman the Member for East Mayo (Mr. Dillon) has suggested that the Amendments of the Government are drawn not to do justice, and our position is that we do not admit that any variation in the terms of purchase is proposed on the grounds of abstract justice, but rather as a concession made under the extraordinary circumstances of the case—not as a matter of absolute justice, but in response to an appeal as to the hardships from which many of the Irish tenants are suffering. The hon. Gentleman has argued the case mainly from a point of view which I admit it is quite natural for him to adopt—namely, that there would not be much risk to the Treasury in their accepting the Amendment he has proposed; but, in reply to the hon. Gentleman's contention, I have to state that there would be a distinct risk to the Treasury in taking that course, because if we admit that in consequence of a certain amount of the purchase money advanced to tenants having been already paid off the security is better, I hope the hon. Gentleman will admit, on the other hand, that inasmuch as the value of the land has diminished, the security, as taken originally, has, *pro tanto*, diminished in relation to the decreased value of the holdings. I feel sure that the majority of the Committee will take this view. We have to look at these demands which are made upon us in their bearing on the general question of advances by the State for the purchase of land, and we have to ask ourselves if, in the cause of justice, we are called on to make such tremendous variations in the terms of purchase as are suggested by the hon. Member, whether this will not have a most serious effect on the whole relations of the Exchequer with regard to any advances to be made in Ireland or elsewhere. Now, in answer to what the hon. Gentleman has said, I may state that we have, in drawing this clause, gone, substantially, as far as the Act of Lord Ashbourne went in regard to the purchasers of glebe. We have reduced the rate of interest from 5 per cent to 4 per cent, which is a diminution of 20 per cent in the rent, which, I think, hon. Members will say is a substantial reduction. If these annuities take the place of rent, it will be seen that a reduction from 5 to 4 per cent is practically a remission of 20 per cent in the rent. The hon. Member has cited a precedent from the Act of Lord Ashbourne as if that were in his favour with regard to the terms to be given. I do not think the hon. Gentleman differs from us with regard to the reduction of the interest; but what he wishes to do is to extend the term, so that the instalments should be reduced; but the principle adopted by Her Majesty's Government—and it is a principle to which we feel compelled to adhere—has been that where the State lends money the amount so lent is to be repaid within a period of 49 years from the original purchase. By the Act of Lord Ashbourne it is provided, not as the hon. Gentleman has suggested, that the repayment is to date from the new order, but from the time when the instalments first became payable. The hon. Gentleman wishes to create a new term after 15 years have elapsed, and give the tenants 49 years from the present time. I think I rightly gathered that that was the proposal of the hon. Member?

MR. DILLON: That is so.

MR. GOSCHEN: Well, that would in reality mean an extension of the term for the repayment of the purchase-money to 65 years. Now, I put it to the Committee that that would be to introduce an entirely new principle. We have gone a long way as it is. We began with a period of 39 years, and we then went on to 49 years; and now the hon. Gentleman suggests that we are to go on to 65, or, at least, to 60, years. If the Government were to make the concession thus asked for, it would affect the whole question of purchase and all the other cases of loans for 49 years. I am, therefore, bound to resist the proposal of the hon. Member, not on the ground of want of security to the Treasury, but upon the ground that we cannot sanction an extension of the period of repayment beyond the original term of 49 years. The next point between us is the question of arrears. We propose by this concession we are making that one year's arrears should be payable, and in this we we are going further than Lord Ashbourne's Act, under which no concession was to be granted unless all the arrears were paid up. We have, therefore, gone beyond the proposal of 1885, and we consider it already a dangerous precedent to say that arrears due to the State for purchases are to be capitalized. We admit that even our own proposal is a somewhat dangerous one; but though we do think an effort ought to be made, we cannot consent to put those tenants who have not succeeded in paying their arrears on the same footing as those who have been struggling to pay and who have paid their arrears. The sympathy of hon. Members opposite appears to be with those who have not paid up their instalments; but, surely, it ought to be with those who have struggled to pay them. We say that if any distinction is to be drawn, it ought not to be in favour of those who are in arrear, and who seek to gain the advantage by not having paid of being relieved from the struggle of having to do so. To make such a distinction would be to establish a dangerous precedent. These are the reasons on which the Government feel compelled, however reluctantly, to come to the conclusion that we are bound to limit our concessions to the clauses we have put upon the Paper, and which we consider to be of a very substantial character.

Lord ERNEST HAMILTON (Tyrone, N.): The right hon. Gentleman the Chancellor of the Exchequer says he proposes to extend the term of repayment from 35 to 49 years. I do not see anything in the clause about 49 years. The clause says—

> "And shall be payable for such term as the Commissioners of Works may, by order, declare to be necessary for the repayment."

Mr. GOSCHEN: The clause says—

> "Shall (save as hereinafter mentioned) be reduced from five per cent to four per cent on the amount of the advance; and shall be payable for such term as the Commissioners of Works may, by order, declare to be necessary for the repayment,"

and so forth. The payments would be arranged so as to make the period 49 years.

Mr. MAURICE HEALY (Cork): The point is that the Government will not give the tenants 49 years. What we say is that the right hon. Gentleman the Chancellor of the Exchequer is mistaken in supposing that the clause gives the tenant the same benefit as was given to the glebe purchasers by the Act of 1885. That is not the fact; and our object is that the purchaser under the Act of 1870 shall have the same benefit as the glebe purchasers obtained by the Act of 1885.

Mr. GOSCHEN: The hon. Member for East Mayo (Mr. Dillon) proposes to go back to the date when the original mortgages were made under the Act of 1870, and to extend the period for 49 years from the present time.

Mr. MAURICE HEALY: My hon. Friend (Mr. Dillon) has made two proposals, and one of them is to extend the original date from the date of the Bill, and not take it from that of the original loan. The Government might fairly take the line of refusing to extend the term of 49 years from the present time, and yet give the tenants under the Act of 1870 the same benefit as Lord Ashbourne's Act gave to the glebe purchasers. Will not the right hon. Gentleman do that? I say that his clause does not do it. You adopt an arbitrary way of doing it. You apply the same rule to everyone. You make it an arbitrary rule that the 5 per cent shall be reduced to 4 per cent. The effect of that is that the man who borrowed in 1871 will get better terms than the man who borrowed in 1879, and the effect of that clause will be that a difference will be made in every case according to the date of the borrowing. We say that that is not a fair way of dealing with the matter. We say you ought to proceed as you proceeded in 1885—in other words, we say that instead of making this cast-iron rule that the 5 per cent shall be reduced to 4 per cent, what you ought to do is to direct the Land Commission to ascertain what amount of capital remains due, and that when you have ascertained that you should ascertain what annual percentage will be necessary to pay off in a term of 49 years either from the date of the original loan, as you say, or from the present date, as we say. Certainly, you ought not to delude yourselves by supposing that the clause will do what you did for the glebe purchasers in 1885.

Mr. GOSCHEN: These two Acts do not deal with the same matter. The hon. Member probably knows that the glebe purchasers were under a totally different arrangement to the purchasers under the Bright Clauses. In the case of the glebe purchasers the loans were repaid by certain equal instalments, whereas the annuity and the interest vary according to the interest paid off. In the one case you have to deal with mortgages where there was a fixed sum paid off the principal every year, and in the other you have to deal with annuities where the principal varies according to the amount paid off. Naturally, when you deal with two calculations your clauses are differently drawn. Practically, the clauses give some advantage to the purchasers, with such modifications as are necessary. Of course, there are some cases where possibly all might agree that the purchasers are not entitled to a remission which, in this case, is a remission at the expense of the taxpayer. In this case you are dealing with money which you got out of the Consolidated Fund in the year 1885. Any remission which is made now is a loss to the Consolidated Fund and to the taxpayer. In the case of the glebe tenants the remission is made out of the Church Fund. The Treasury thinks it should exercise a certain discretion in this matter, and that the discretion should be exercised with a desire to meet all cases.

Mr. T. W. RUSSELL: We have been discussing for several days the amount of relief which is to be given to the ordinary Irish tenant. We are now engaged in discussing what relief is to be afforded to the state tenants, for these purchasers are practically tenants of the State. I do not care to discuss altogether the cases of the glebe purchasers, the Bright purchasers, and the purchasers under the Act of 1881, because there are essential differences between them. I take it that, with the exception of about a dozen, the Bright purchasers are not in arrear. The right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) will remember that a Deputation of the Bright purchasers waited upon him some little time ago, and in answer to a question the right hon. Gentleman addressed to that deputation, they distinctly said they were not in arrear. That assurance was conveyed to the right hon. Gentleman the First Lord of the Treasury, in the presence, amongst others, of the noble Lord who represents North Tyrone (Lord Ernest Hamilton). That is true of the Bright purchasers, but it is not true of the glebe purchasers. What I want to draw the attention of the Chancellor of the Exchequer to is this. In 1885, under Lord Ashbourne's Act, the glebe purchasers who were not in arrear got relief. A great number were left out. They never got any relief because they were not able to pay their arrears. If they were not able to pay their arrears in 1885, and avail themselves of the advantages of Lord Ashbourne's Act, how are they likely to pay the accumulated arrears now, in order to get the benefit of this Act? I quite understand the difficulty the right hon. Gentleman the Chancellor of the Exchequer is in. It is a very serious difficulty. What the right hon. Gentleman is asked to do is to put the men in arrear in the same position as those who are not in arrear. It is a very difficult position for the right hon. Gentleman the Chancellor of the Exchequer to occupy, and but for the pressing urgency of the case, and the perfect certainty that these men must be driven from their holdings, and must give up in despair unless they get relief, I should not press this matter upon him. That, to my mind, is the essential difference between the two classes of purchasers. I think we may really dismiss the Bright purchasers from consideration, because, as I have said, the proposals of the Government will practically help them. As regards the glebe purchasers, there are two things I am anxious about. I am anxious to know, first of all, whether all classes of glebe purchasers are included in this proposal? Take the case of the incumbents of the Church of Ireland. They purchased half of these glebe lands. I think the lands were called the external glebe lands. They do not make much noise——

MR. GOSCHEN: I may shorten the discussion by saying that all the purchasers of land formerly attached to residences will be included, all the purchasers of residues will be included, in fact, all except the purchasers in perpetuity who have been left out will be included.

THE CHAIRMAN: The present clause only deals with the Bright purchasers.

MR. T. W. RUSSELL: I am aware of that, Mr. Courtney, but one principle lies at the base of the whole thing. The proposal of the hon. Gentleman the Member for East Mayo (Mr. Dillon) is that the new term shall run from next November for 49 years. I am bound to say I never heard that proposal made by any deputation, and I never heard of it until I saw it on the Paper, in the name of the hon. Gentleman (Mr. Dillon). I fully acknowledge there are great difficulties in the matter, and so far as I understand the case of these purchasers, their contention is, and has been, that they should be brought under Lord Ashbourne's Act, that the period of repayment should be extended from 35 to 49 years, that the interest should be reduced, and that the arrears should be capitalized.

MR. MAURICE HEALY: I only rise to say, in reply to the right hon. Gentleman the Chancellor of the Exchequer, that I do not think the distinction which he has attempted to draw between the case of the Bright purchasers and that of the glebe purchasers, has a distinction which has any bearing upon the point before us. We ask what is very material, and it is this, that what you did for the glebe purchasers last year you should do for the purchasers under the Act of 1870 and the Act of 1881. I ask hon. Members of the Committee, who have thought this matter over at all, whether it is not just to do for the purchasers under the Act of 1870 what was done last year for the purchasers in

1869? The two things stand in exactly the same line. The distinction the right hon. Gentleman the Chancellor of the Exchequer, at the end of his researches, has attempted to draw I cannot imagine he intends seriously. The point is this, that instead of having a fixed annuity at 5 per cent, as you have under the Act of 1870 and the Act of 1869, there shall first and foremost be interest at 4 per cent, and then that the principal shall be paid off in 32 years by yearly instalments. The effect is exactly the same in both instances. You have to pay a fixed instalment every year in both cases. In the one case, no doubt, the amount of interest you have to pay is reduced every year, because you are paying off your principal; it is not done by a sinking fund, and that is the whole distinction. You have an annuity which practically goes to the sinking fund, and, consequently, you have an equal instalment every year; whereas, under the Act of 1870, what is done is that the principal is spread over 32 years, and you pay a reduced amount for interest every year.

Mr. GOSCHEN: I will make this offer to the hon. Member for East Mayo (Mr. Dillon). If he will withdraw his proposition dating forward the mortgage, and accept the principle that in no case shall the period of repayment extend to more than 49 years, and if he accepts the Government's view as to arrears, I will consider before Report whether these purchasers can be put precisely on the same footing as regards the term of years as the glebe purchasers, retaining, of course, the discretion of the Treasury to which I have alluded.

Mr. DILLON: I do not think there is much use in prolonging, to any extreme length, the discussion on this particular Amendment, which, of course, covers very much the principle of the Amendment following it. I regret exceedingly the Government cannot meet me on the question of arrears. In regard to the proposal of the right hon. Gentleman the Chancellor of the Exchequer, that we can settle the question of arrears afterwards, what I wish to say is this, that I cannot consent to withdraw my Amendment with regard to arrears. I do not know to what extent the statement of the hon. Gentleman the Member for South Tyrone (Mr. T. W. Russell) with regard to the Bright purchasers is true. I have had a great number of letters from tenants in arrears, both glebe purchasers and Bright purchasers, and I cannot consent to withdraw the claim for the capitalization of the arrears, because my proposition is this, that a large number of these people cannot avail themselves of any proposal unless you meet them on the question of arrears. Having said so much, I will not trouble the Committee by carrying the Amendment to a Division.

Mr. GOSCHEN: The arrears of the Bright purchasers are very small. They only amount to about £4,000, and I am inclined to think a large portion is owing by one or two men. If there are one or two men who owe large arrears, I do not think the arrears can be wiped out at the expense of the taxpayers. The Committee must be extremely jealous upon the question of arrears, because if the idea should go forth that these arrears can be dealt with with a lightness of heart, all question of further advances to Ireland for purchasers or otherwise must really vanish.

Mr. CAMPBELL-BANNERMAN (Stirling, &c.): I have no desire to continue the discussion, but I cannot help rising to express the hope that this discussion may lead to some sort of a settlement of this very difficult matter. I am sure all hon. Members on this side of the House will recognize that the Government have been anxious, as far as possible, not only to meet the views of hon. Members, but to meet the requirements of what the right hon. Gentleman will call justice, but what I choose to call the demands of a hard case. We on this Bench are rather disposed to take the view of the matter which has been expressed by the hon. Gentleman the Member for East Mayo (Mr. Dillon). I certainly think he makes out a very good case, but I fully recognize the necessity of caution on the part of the Government in the matter. I trust that there will be every disposition on the part of the right hon. Gentleman the Chancellor of the Exchequer, as the guardian of the public purse, to make every concession he can, in order to achieve the object which I believe we all have in view.

Amendment, by leave, *withdrawn.*

Clause *added* to the Bill.

New Clause—

(Reduction of interest paid on mortgages held by the Irish Land Commission as successors of the Commissioners under "The Irish Church Act, 1869" (32 and 33 Vic. c. 42), and the Church Temporalities Commissioners.)

"Whereas in pursuance of section fifty-two of 'The Irish Church Act, 1869,' the Commissioners acting under that Act, credited the purchasers of land, or interests in land, with part of the purchase money on having security for payment of the same, and the sums so credited to purchasers, or many of them, are now mortgage debts due to the Irish Land Commission as the successors of the Commissioners acting under that Act, and are secured in some cases by a simple mortgage, and in other cases by an instalment mortgage, providing for the payment of the principal sum with interest by instalments extending over a term of years (which instalments with the interest are in this section referred to as the instalments).

"And whereas the rate of interest on such mortgages was calculated at not less than four per cent. per annum, but has been in some cases reduced to three and one-eighth per cent. per annum by an order of the Irish Land Commission, under section twenty-three of 'The Purchase of Land (Ireland) Act,' 1855, and it is expedient to provide in other cases for the like reduction in manner provided by this section. Be it therefore enacted as follows:—

"(1.) As from the gale day next after the passing of this Act, or any later date specified in an order under this section, the annual amount payable to the Irish Land Commission in respect of any such instalment mortgage as above mentioned shall, save as hereinafter mentioned, be reduced by such amount as is necessary to reduce the rate of interest from four to three and one-eighth per cent. per annum, and the term may be extended by the Irish Land Commission so that it do not exceed forty-nine years from the date of the mortgage;

"(2.) As from the gale day next after the passing of this Act, or any later date specified in the order hereinafter mentioned, the annual amount payable to the Irish Land Commission in respect of any such simple mortgage as above mentioned, shall, save as hereinafter mentioned, be at the rate for interest of three and one-eighth per cent., and for repayment of principal of seven-eighths per cent. on the amount of principal due under such mortgage on the said day, and such amount shall be payable by half-yearly payments on the days on which the interest in the said mortgage is payable, and for forty-nine years from the said day, and the mortgage shall then determine;

"(3.) An order of the Irish Land Commission fixing the annual amount and the term of years shall, as soon as may be after the passing of this Act, be made and notified by post, or otherwise in manner directed by the Irish Land Commission, to the person for the time being paying the interest on any simple, or the instalment on any instalment mortgage, or otherwise appearing to the Commission to be liable to pay the same;

"(4.) Within six months after such notification as respects any instalment mortgage any person liable to pay the instalment, or otherwise appearing to be interested therein, may apply to the Irish Land Commission for a variation of the term fixed by the order, and the Irish Land Commission may grant such variation as they think just, and vary the order accordingly, so that the term shall not in any case exceed forty-nine years from the date of the mortgage;

"(5.) Where on the gale day next after the passing of this Act there are unpaid arrears in respect of interest under any simple mortgage or instalments under an instalment mortgage, over and above half-yearly payments due on the said gale day, this section shall not apply to such mortgage except that if the Treasury on the report of the Land Commission are satisfied that it is equitable to apply this section to any such mortgage—

"(a.) The Treasury may order that on payment within a period fixed by the order and notified in like manner as above provided of a portion of the said arrears, being not less than the amount of interest or instalments due for one year, if so much be due, the remainder of the arrears shall be repaid by such addition to the periodical instalments as will be sufficient to pay the said remainder with interest at the rate of three and one-eighth per cent. per annum by the expiration of the period at which the mortgage, by virtue of this Act or otherwise, will cease; and

"(b.) Upon such order being made and portion of arrears paid, this section shall apply, and the Irish Land Commission shall make an order under this section with reference to such mortgage as if all arrears of interest and instalments required to be paid before the making of the order were paid, and such order shall also provide for such additions to the mortgage as above mentioned;

"(7.) Any order of the Irish Land Commission under this section, also any order purporting to be made by such Commission in pursuance of section twenty-three of 'The Purchase of Land (Ireland) Act, 1885,' whether before or after the passing of this Act, shall have effect as if the mortgage referred to in the order were modified in the manner provided by the order, and if the order provides for an addition to the debt in pursuance of this section as if the mortgage included that addition, and an addition so made shall have the same priority as the debt created by the mortgage, and any such order shall be binding on all persons interested in the equity of redemption of such mortgage.

"(8.) Nothing in this section shall apply to a mortgage as to which an order has been made under section twenty-three of 'The Purchase of Land (Ireland) Act, 1885,' before the passing of this Act,"—(*Mr. A. J. Balfour*,)—

—*brought up*, and read the first time.

Motion made, and Question, "That the said Clause be now read a second time" put, and *agreed to*.

Motion made and Question proposed, "That this Clause be added to the Bill."

MR. DILLON (Mayo, E.): Before this clause is added to the Bill, I beg to move to leave out "year," in line 62, and insert "month." I think this is a suitable time to raise the question of arrears due by the glebe tenants. I must press this matter on the attention of the Government, as it is one of great interest in Ireland. If the Government cannot see their way to meet us upon this point, we shall be compelled—though reluctantly—to go to a Division. Now, as has already been pointed out by the hon. Member for South Tyrone (Mr. T. W. Russell), a Bill was passed to meet the case of the glebe purchasers in 1885. I cannot have any doubt that a large proportion of the glebe tenants were entirely excluded from the provisions of the Relief Act by reason of their arrears of rent. If they were unable to meet their arrears in 1885, they are undoubtedly more unable to meet them now. I respectfully urge upon the Committee that this Amendment raises a question which is of vital importance to a large number of families in Ireland. It affects 2,000 or 3,000 families at least, and therefore I must earnestly press it upon the attention of the Government.

Amendment proposed to the proposed New Clause, in line 22, to leave out the word "year," and insert the word "month."—(*Mr. Dillon.*)

Question proposed, "That the word 'year' stands part of the Clause."

MR. T. W. RUSSELL (Tyrone, S.): I should like the right hon. Gentleman the Chancellor of the Exchequer to remember one thing in connection with these glebe tenants. So far as they are concerned, this was not a voluntary purchase, it was a forced purchase, and that constitutes a real difference between the glebe tenants and the purchasers under the Acts of 1870 and 1881. These tenants had no option but to buy or to have their holdings bought over their heads under the Church Act. I say that this fact of itself gives them a claim on the consideration of this House. Then, in addition to the fact that they were forced to buy, they were forced to buy under very unfavourable circumstances and at a very high rate of purchase, and they had to borrow one-third of the purchase money either from bankers or from the gombeen men, paying a very high rate of interest for the money. With all those unfavourable conditions hanging around their necks only the strong men have survived. I know a great many of these glebe purchasers personally. There are not very many in my own constituency, but there are a great many in the North of Ireland; and I believe there are not more lamentable or desperate cases than the cases of these men who have been practically forced to become State tenants, and who with a millstone, as it were, around their neck are sinking rapidly. It is not a case of freeing these men from arrears; but it is a case of capitalizing the arrears and adding them to the mortgage. If that is not done, the Committee are simply wasting time, for these men must simply go to the wall.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): The hon. Gentleman has not stated whether the arrears have just arisen or whether they are of long standing. My own impression is that they must have been accruing for a long time past, and therefore their capitalization would be a very great advantage, though they should pay an instalment for one year. I think that, looking to the substantial concession that is made to these purchasers in the future, and looking to the fact that it is impossible to treat those who have got into arrear in precisely the same way as those who have not, and that this Act will go much further than the Act of 1885, it is scarcely fair to press the Government to abandon the principle that some appreciable amount of arrears should be paid.

COLONEL SAUNDERSON (Armagh, N.): I entirely sympathize with the views expressed by my hon. Friend the Member for South Tyrone (Mr. T. W. Russell), and also with the remarks which fell from the hon. Gentleman the Member for East Mayo (Mr. Dillon), regarding these glebe tenants. Although perhaps it may not be in accordance with the strict laws of political economy, I press upon Her Majesty's Government and upon the right hon. Gentleman the Chancellor of the Exchequer the advisability of dealing in a generous spirit with the glebe tenants. I believe a more hardworking or a more respectable set of tenants do not exist in Ireland; and I earnestly hope Her Majesty's Government will deal in an open-handed and generous manner with this deserving class of people.

MR. MAURICE HEALY (Cork): This raises two points. In the first place, on this Amendment we are not dealing with money of the State, but with money of the Church Fund. When we were on the clause relating to the Act of 1870, we were dealing with money advanced by the State; on this clause we are dealing with a certain sum allowed to stand out at interest by the Irish Church Temporalities Commissioners and the Irish Land Commission when selling their land to these purchasers. The second point I wish to draw attention to is in mercy to the Irish Church Temporalities Commissioners. What is the present state of facts? The Irish Land Commission—such is the state of bankruptcy to which these tenants are reduced—have served hundreds of processes to realize the amounts of the instalments, but the proceedings are perfectly futile, as they will get no one to buy in the holdings when they offer them for sale. The Land Commission, if the Government does not come to their relief, will be in this position—that they will have hundreds of these holdings upon their hands, and will have to proceed to sell them over again at a considerably less price. That is the actual state of the case. Some of my hon. Friends during the course of this Session put Questions to the Government, and the Government told us that in several hundreds of cases the Land Commission had taken proceedings to realize the amount of their mortgages; and they could only do that by selling the holdings of these tenants, and when they do that they will simply have these holdings to sell over again at such reduced price as they can get. That being so, it seems to me a very short-sighted economy to say, "we will not interfere." These tenants are broken, and they cannot pay. If the Land Commission could derive any benefit by selling them out, or when they took these proceedings to realize the amount of their mortgages, it would be something, but they are absolutely helpless; there will be a barren decree for the foreclosure of the mortgage or the sale of the holding, and the sole result of that will be to place the land again in their hands to get such price as they can. Under these circumstances, seeing we are not in this instance dealing with the money of the taxpayer, and that the State intervention is required, not only on behalf of the tenant, but of the Land Commission, I hope the Government will see their way to agree to the Amendment.

MR. GOSCHEN: I should say about the Church Fund that it is beginning to perilously approach to where the expenditure will equal the income, and that the National Funds will begin to be attacked if the Church Fund could not meet its liability. I would wish to call the attention of the Committee to this fact, that the amount received in the year 1886-7 by the Church Fund was £47,000 less than was anticipated; and that shows how the Church Fund is beginning to suffer; and I do trust that whatever hon. Members do they will not treat the Church Fund as having a large balance or surplus. In the concessions that are made, I argue not on purely economical grounds, but really in the interests of Ireland generally. I regret that it should go forth that after what the State has advanced to tenants in Ireland there should be this great pressure put on to capitalize all arrears and change all the terms upon which tenants have borrowed; I believe it is really a dangerous principle to treat the arrears in this matter in the way that has been suggested. The hon. Gentleman the Member for Cork (Mr. Maurice Healy) really overstates his case when he states these men are broken men, and cannot pay one year's arrears. If they cannot pay these arrears in view of the prospective assistance, what hope is there the State could get any further instalments? It would be better to represent these men as men who can make some effort to pay what they owe to the Church Fund, or to the State rather than to say they are men absolutely broken.

LORD ERNEST HAMILTON (Tyrone, N.): I think it is a strong argument for not putting this clause on a different footing to the rest of the Bill. I can assure the right hon. Gentleman the Chancellor of the Exchequer these men cannot pay, though they are anxious to do so if it were possible, but they could not pay the one year's arrears; and if the Government insist upon their paying this they will deprive this class of all the beneficial results that would otherwise accrue to them. The reason for this is that they have paid an exorbitant price for the holding, they have had to borrow money at a high rate of interest, and that has been hanging over their heads ever since. I can say on their behalf they are all honest, industrious, and hard-working men, and will make every effort to pay off their arrears if they get the chance; but if the right hon. Gentleman the Chancellor of the Exchequer insists upon their paying off a year's arrears, they will not be able to take advantage of the clause.

Viscount EBRINGTON (Devon, Tavistock): I should like to ask if these men, whose arrears it is sought to capitalize, are in difficulties apart from their arrears to the Government; because we are told on the one hand they are hardworking, honest, industrious men, and on the other that they are broken.

Lord ERNEST HAMILTON: They may be broken.

Viscount EBRINGTON: Yes, and they may be both. If they are broken, it is not much good to try and keep their heads above water; but if they are not broken, they might be able to borrow the year's arrears from other sources. I do not know on what sort of terms money can be borrowed in Ireland, but if it is anything under 10 per cent. the difference between 4 per cent and 10 per cent on the amount of one year's arrears would not make so much difference in the value of the instalments as to affect their chance of making a livelihood. If they could not get it under 60 per cent there is an end to the matter; but if honest hard-working men, with a prospect of a reduction of the rent, cannot get money at less than that they are in a much worse position than we expected.

Mr. T. W. RUSSELL: I find that the Tipperary tenants were able to borrow at 6½ per cent. What we mean when we say the men are broken is this. They borrowed the money from the bank or the money lender, and while that is hanging over their heads, they cannot pay the interest and the instalments to the Government. They are only indebted to the State, the bank, or the money lender, and to no one else.

Mr. CHANCE (Kilkenny, S.): Let me point out one point that has escaped the attention of the Committee up to the present. These purchasers are paying the instalments under mortgages, and what is due, and the instalments are not strictly principal, but to a considerable extent interest, and what do they ask when they ask capitalization? They pay for this relief by paying fresh interest on the capitalized arrears, therefore if they are asking for a postponement of the payment of these arrears, they are absolutely paying interest on interest, and that is a substantial matter to the State when it is asked to make this small concession. Now, I ask the Committee to consider another point. From 1869 up to the present they have been paying the instalments and the interest at the rate of 4 per cent, but the new loans are all 3⅛ per cent, so that they have been paying for more than 12 years ⅞ per cent more than is now required, and that fact in itself ought to give them some claim to an additional measure of relief. Suppose these men commenced to pay back principal and interest in 1869, the State now would have got back a considerable part of its money, and ought not now to insist upon its full right. In the case of a large mercantile firm what would be the result? They would say—"We have had a considerable part of our money back; if we force a sale we shall not only ruin the debtor, but run the risk of losing the remaining portion of the money advanced; therefore, it will be better to capitalize the whole thing upon the reduced rate of interest." Under these circumstances I think the Government might allow this slight relief. The clause we are now discussing lays it down that the Treasury, as a condition preceding the relief, must insist a year's rent shall in all cases be paid. That is a special condition, and deprives the Treasury of a certain amount of discretion, and what we ask is, not that the Treasury must give this relief to every man who pays one month in arrear, but that it should have greater discretion, and that if the Treasury thinks it wise so to do, it should give this relief. This would give the Treasury greater freedom of action, and would not compel the Treasury to give the relief on the payment of one months' arrears.

MR. GOSCHEN: This discretion would not be very valuable to the Treasury in most cases, but in order to bring the matter to a conclusion, if possible, I will make this offer. I will reduce the term from a year to six months, and I do that in deference to the argument that has been used, that these men are more or less compulsory purchasers. I trust now that it will not be necessary to go to a Division upon the Amendment.

MR. DILLON: Certainly not. I think it a very substantial concession.

Amendment, by leave, *withdrawn.*

Amendment proposed to the proposed new Clause, in page 28, line 62, to omit the words "one year," in order to substitute the words "six months."—(*Mr. Chancellor of the Exchequer.*)

Question, "That those words be there substituted," put, and *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): I now beg to move, to add at the end of the clause, these words—"Provided, that nothing in this section shall apply to the purchasers of perpetual annuities," and I do so because the purchasers of these annuities ought not to suffer from the decrease in prices.

Amendment proposed,

> To add, at end of the proposed new Clause the words, "Provided, that nothing in this section shall apply to the purchasers of perpetual annuities."—(*Mr. Chancellor of the Exchequer.*)

Question, "That those words be there added," put, and *agreed to.*

Clause, as amended, *added* to the Bill.

New Clause (Reduction of interest on loans under 44 & 45 Vict., c. 49,)—(*Mr. A. J. Balfour,*)—*brought up*, and read the first time.

Motion made, and Question, "That the said Clause be now read a second time," put, and *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): This clause is in order to bring the purchasers under the Land Act of 1881.

MR. CHANCE (Kilkenny Co., S.): In this clause I find that the same point that we have just been discussing arises; on page 34, line 45, the same provision occurs that a year's arrears must be paid, and I submit we should alter that to six months. I would point out that this would merely give a discretion to the Treasury, and would not compel them to accept the six months. I beg to move the Amendment.

Amendment proposed, in page 34, line 45, to leave out the words "one year," in order to substitute the words "six months."—(*Mr. Chance.*)

Question, "That those words be there substituted," put, and *agreed to.*

Clause, as amended, *added* to the Bill.

New Clause ("Temporary adjustment of judicial rents"),—(*Mr. A. J. Balfour,*)—*brought up*, and read the first time.

Motion made, and Question, "That the said Clause be now read a second time," put and *agreed to.*

MR. RATHBONE (Carnarvonshire, Arfon): I beg to move my Amendment to this clause for making the adjustment of rents vary according to the prices as far as we can temporarily make it. But, in going into the question with my legal Friends, I find there were objections against making the variation of rents depend entirely on the variation of prices; and I would, therefore, venture to urge the right hon. Gentleman to assent——

MR. MARUM (Kilkenny, N.): I wish, Sir, to put a question upon a point of Order. This clause appeared on the Paper on Friday, and I then put down certain Amendments to it; but I now find that it is altogether altered from the form in which it originally applied. As it originally stood it ran—

> "As soon as possible after the passing of this Act, the Land Commission shall have regard to the prices of produce, commodities," &c.

It now runs in another form—

> "As soon as possible after the passing of this Act the Land Commission, having regard to the difference in prices in counties," &c.

I set down several Amendments for the purpose of showing that the prices of produce should not be counted without the cost of production, of cultivation and other matters, but, as the clause has been entirely changed, my Amendments are completely knocked out. I therefore think this clause ought to be postponed, or, if not, I am prepared to speak to the clause.

THE CHAIRMAN: The hon. Member for the Arfon Division of Carnarvonshire is in possession of the Committee.

MR. RATHBONE: As we cannot finish the Bill to-night, would it not be better to start this, which is an entirely new subject, to-morrow?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): There will be no objection on the part of the Government to report Progress now, if there is a fair understanding on the part of the Committee that we conclude it at the next Sitting. [*Cries of* "Hear, hear!"] Then the Government are quite willing to report Progress.

MR. LEA (Londonderry, S.): May I ask, if the Bill is concluded at the next Sitting, that the Report should not be taken on Friday, as we very much desire to send the Bill to Ireland, so that it may be carefully considered?

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I will tell the hon. Gentleman why we are anxious to take the Report on Friday; there are certain parts of the Bill that it is absolutely necessary, in the interests of the tenants of Ireland, should be brought into operation at once; and, therefore, though I admit the time is short, we are most anxious to take the Report on that day.

MR. CHANCE (Kilkenny, S.): Can we have a reprint of what has been done to-night? We have made substantial progress to-night; and, if we had a reprint of what has been done, we should be able to tackle the Report very much better.

MR. W. H. SMITH: We will have the Bill reprinted, if possible.

Committee report Progress; to sit again *To-morrow.*

BANKRUPTCY COURTS (IRELAND) BILL.—[BILL 124.]

(*Mr. Sexton, Mr. Chance, Mr. O'Hea, Mr. M'Cartan, Mr. Reynolds.*)

COMMITTEE.

Order for Committee read, and *discharged.*

MR. SEXTON (Belfast, W.): I beg to move, Sir, that this Bill be referred to a Select Committee. I find there is a Standing Order by which it must be referred to a Select Committee, and therefore I make this Motion.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I do not know whether it is competent for the hon. Member to do that.

MR. SEXTON: I may explain that on the 3rd February, this year, a question was raised, and the promise was made by the right hon. Gentleman's Predecessor that as the Government could not take charge of such a Bill for want of time, they would afford facilities to Private Members to introduce the Bill. The Bill was read a second time, and having been before the Examiner, by the Standing Orders it must be referred to a Select Committee, and I am obeying that Standing Order in the Motion I now make.

Motion made, and Question, "That the Bill be committed to a Select Committee,"—(*Mr. Sexton,*)—put, and *agreed to.*

Bill *committed* to a Select Committee.

Ordered, That the Bill be committed to a Select Committee of Seven Members, Four to be nominated by the House, and Three by the Committee of Selection.

Ordered, That all Petitions against the Bill be presented Two clear days before the meeting of the Committee be referred to the Committee; and the Petitioners praying to be heard by themselves, their Counsel, or Agents, be heard against the Bill, and Counsel heard in support of the Bill.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That Three be the Quorum.

TRUSTEE SAVINGS BANKS [COSTS].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of money to be provided by Parliament, of any costs incurred under or incidental to any Act of the present Session, to provide for examination into the Affairs of Trustee Savings Banks.

Resolution to be reported *To-morrow.*

MOTIONS.

——o——

FRIENDLY SOCIETIES ACT (1875) AMENDMENT (NO. 3) BILL.

On Motion of Mr. Jackson, Bill to amend "The Friendly Societies Act, 1875," *ordered* to be brought in by Mr. Jackson and Mr. Chancellor of the Exchequer.

Bill *presented,* and read the first time. [Bill 353.]

SUPERANNUATION ACTS AMENDMENT BILL.

On Motion of Mr. Jackson, Bill to amend the Superannuation Acts, 1834 and 1859; and for other purposes, *ordered* to be brought in by Mr. Jackson and Mr. Chancellor of the Exchequer.

Bill *presented,* and read the first time. [Bill 354.]

House adjourned at five minutes after Two o'clock.

HOUSE OF COMMONS,

Wednesday, 3rd August, 1887.

MINUTES.] — SELECT COMMITTEE — *Report* — Forestry [No. 246].

PRIVATE BILL *by (Order)* — *Second Reading* — Channel Tunnel (Experimental Works), *put off.*

PUBLIC BILLS — *Committee* — Tramways (War Department) [246], *debate adjourned;* Stannaries Act (1869) Amendment (*re-comm.*)* [342]—R.P.

Committee — *Report* — Irish Land Law [308-355]; Public Parks and Works (Metropolis) (*re-comm.*) * [136].

Withdrawn— Arbitration of Poor Law Questions (Scotland) * [2].

PRIVATE BUSINESS.

CHANNEL TUNNEL (EXPERIMENTAL WORKS) BILL (*by Order*).

SECOND READING.

Order for Second Reading read.

SIR EDWARD WATKIN (Hythe): I very much regret that someone more accustomed to address the House has not taken my place in order to expound what I believe to be a great national question. I can assure the House that I rise to perform the duty I have undertaken with considerable hesitation. This Bill has been postponed from time to time to meet the exigencies of the Business of the House, and also in compliance with the wishes of Her Majesty's Government. I see by *The Times* of to-day that those who are promoting this Bill are accused of having selfish interests. Now, I assert, on the contrary, that those who have been engaged in promoting the tunnel have shown every possible desire to treat this matter patriotically in a national, and not in a money-making, spirit. The board of directors is an honorary board, the secretary is an honorary secretary, the engineers are honorary engineers, and, strange to say, the solicitors are honorary solicitors also. In addition to that fact, I may mention that my own view, as well as the view of a great many of those who have promoted the Bill, has been that a high road under the sea to connect the Continent of Europe with England ought to be an International work, and ought not to be entrusted to private enterprise. It was only when we found from more than one Government that they were not disposed to make it a national enterprise, but were prepared to assist it as a private undertaking, that exertions were made with a view to raise the capital for experimental works connected with it. I think it may save the time of the House if I were to read a letter from the late President of the Board of Trade, the right hon. Member for West Birmingham (Mr. J. Chamberlain), in reply to a very earnest appeal from me that he would advise the Cabinet to allow the work to be conducted jointly by England and France, and not make it a joint-stock enterprize at all. The letter I received in reply is dated on board the *Galatea*, Barrow, 16th September, 1881—

"MY DEAR SIR, — Your further letter of 14th instant has been forwarded to me here. Until the Cabinet meets again I cannot give you an authoritative answer from the Government as a whole, though I really have no doubt in my own mind as to what that answer will be. But I will at once state the opinion of the Board of Trade on the questions you raise. We do not think that the project is one which should be any exception to the general rule by which, in this country, such enterprises are left in private hands. We shall not, therefore, recommend either that the Government should undertake the work, or that it should give State assistance in any form to the realization of this idea. At the same time, we are anxious that no officialism or red tape should be allowed to prevent, or even to delay, the undertaking, if private individuals are willing to go on with it. We have no preferences, or prejudices in reference to the different schemes which have been suggested. We have to satisfy ourselves—first, that no national interest is endangered by such a work as is proposed; and assuming that this is satisfactorily established, then we have to consider the conditions which it may be necessary to impose, and to see that the position selected is the most suitable for any requirements which may have to be insisted on. We are also of opinion that the tunnel, if made, cannot be allowed to afford a monopoly of communication to any one Company. The maps and papers sent by you shall be laid before the Committee of Inquiry, who will proceed as quickly as the circumstances will permit."

That letter, which is signed by Mr. J. Chamberlain, gives generally the view of the Government of that day; and it is under these circumstances that the work has been carried on as a private enterprize, and is not the work of the Nation. Now, Sir, the last Division which took place on this question was in 1885, when 99 Members of the then House of Commons voted for the second reading of the Bill then brought forward. Since then the two Companies which then existed for making the tunnel have amalgamated, and there is now only one Tunnel Company working and taking an interest in the matter, and they are now in negotiation with the French Tunnel Company, with a view to joint action. Consequently, when Parliament and the Government remove the difficulties in our way there will be no difficulty in carrying out the work. Since then there has been a far more important change than that. We have now got what may be called a Democratic Parliament, and it remains to be seen whether the idea of peace and fraternity between nations permeates the mind of the new democracy and their Representatives, or whether they will consider a policy of isolation and exclusion is the best policy for the British Empire. The present Bill has been considerably altered from the Bill of 1885, and it is now simply a Bill to enable further experiments to be made, not at the cost of the country, but at the cost of individuals. And then it proceeds to provide powers of agreement with reference to the experimental works with the London, Chatham, and Dover Railway Company in the event of the Lords of the Treasury sanctioning the carrying out of experimental works; it further provides that the works of the Channel Tunnel, when made, may be transferred to the country if required by the Lords of the Treasury. The Bill also contains power to raise an additional sum of money, to amend the existing Act of 1874, and to apply certain clauses of the Railway and Land Clauses Act of 1855 to the present Bill. Consequently, what the Bill amounts to is a request by private individuals, who are incorporated into a Company, to raise some more capital of their own in order to enable them finally to complete the experimental works, and to give the Government of the day—which means the House of Commons—the absolute power of saying whether, if the experiments are sanctioned and the tunnel made, the works shall be handed over to the Government in the interests of the nation. For my own part, I cannot imagine a more modest proposal than that, although I am aware that our proposals are threatened with opposition by the right hon. Gentleman opposite the Secretary to the Board of Trade. Surely, knowing that the Government have refused to make these experiments in the interests of the country at their own cost, and seeing that while they still refuse to carry out the works they are to be endowed with power to decide the whole of this great and important question, it is too much to ask the House to reject the Bill. What is it that the House is asked to do? In the modest request contained in the Bill all the House is asked to do is to grant the usual inquiry before a Select Committee. That Committee, after hearing evidence and after sifting the evidence by means of cross-examination on the part of counsel, would have to decide whether the main provisions of the Bill are admissible. Should it be found that they are inadmissible the scheme would go no further. All the promoters ask, therefore, is that an inquiry before a Select Committee shall be conceded. I challenge the production of any precedent to show that the House, under similar circumstances, has refused an application of this kind when it has granted the prayer of a Petition and has allowed the Bill to be read a first time. No doubt it is true that we have had four inquiries already. We had an inquiry on the part of the Board of Trade, the Admiralty, and the War Office, which was of a preliminary character. I am speaking now of the more recent history of this great question. We have had, also, a military inquiry; we have had, in addition, an inquiry which I think was partly military and partly not; and, finally, we had an inquiry before a Committee of nine, of which you, Sir, were a member. That Committee failed to agree upon a Report; but having had those four inquiries, I should like to point out to the House that the House itself, by the mode in which the question has been dealt with, has been prevented from having an inquiry under its own direction and by its own methods. These inquiries have been rather Commissions than Committees, and one essential condition of thoroughly sifting the evidence laid before the tribunals which have already made an investigation has been wanting—namely, the presence of counsel who could cross-examine the witnesses. If we could have had counsel to cross-examine the witnesses, will anybody tell me that it would have remained on record that so great an authority as Lord Wolseley would have laid it down at this time of day, without contradiction, that an invading army might reach the door of Dover Castle, find the sentry asleep with his gun unloaded, and be able to take Dover Castle by a ridiculous *coup de main?* On the other hand, it remains on record that the illustrious Duke the Commander-in-Chief has said that if this tunnel were made it would be necessary to make Dover Castle a first-class fortress at a cost of £3,000,000, and that in addition to that it would also be essential to make use of what he is in the habit of calling "the conscription," and to arm, as it were, every man in the nation. Now, we want to get hold of these fallacies, and the only way to get hold of them is by appointing a Committee of this House to conduct an inquiry where there will be counsel employed to sift the evidence of the witnesses. In that case we pledge ourselves to disabuse the mind of the country as to the outrageous fallacies which have been put into the mind of the nation. No doubt it is technically the fact that this Tunnel Bill is a Private Bill, but it is one which raises, I admit, and I am glad to admit, the gravest and most important issues—issues affecting the whole commerce and industry of the country. The tunnel affects that great commercial intercommunication on which the commercial life of the country depends. While Europe is becoming more and more one country only by the piercing of mountains, the bridging over of rivers, and the breaking down of old-fashioned ideas of exclusion; while the most magnificent ports are being constructed by foreign countries, while that is the case in regard to the Continent of Europe, we, in England, on the other hand, are becoming more and more isolated. The House will remember that one-third of the food consumed, and nearly the whole of the textile materials used in our manufactures, with the exception of a little flax from Ireland, and some home grown wool, we are dependent entirely upon the sea. If for a week or a fortnight we were to lose command of the sea, we should have to capitulate, perhaps, to some minor power. In such a contingency we should have no second line of supply, and those who advocate the making of this tunnel desire to provide that second line of supply and communication. Indeed, we say that the very safety of our trade is every day becoming more and more dependent upon such a second line of supply. I know it may be said that one single tunnel will not do the whole work of Europe; but the geological conditions under which the Channel Tunnel can be made are such that if required we can make as many tunnels, side by side, as are wanted. The formation through which the tunnel will be made is that wonderful material which in England is called the old grey chalk, consisting of about one-third clay and two-thirds chalk, and forming a sort of natural puddle. This seam is 300 feet thick. I sent up a piece of it for the inspection of the House; I do not know what became of it, but I may say that after having been filled with water for a fortnight not a single drop had exuded from it. I do not wish to say anything that the most captious might construe into irreverence; but I may say that the late Archbishop of Canterbury, after I had explained the geological facts to him, said he believed that Providence had placed that wonderful material between the coasts of England and France with a view to ultimate intercommunication. Then, again, the Bill affects another matter, which will receive, I hope, the serious attention of the House. It affects the relations between this country and France, and also between this country and Europe. If the House will favour me with its attention for a moment or two, and I propose to be as short as I can, I will show how Governments of both Parties have sanctioned the principle of a tunnel, and have done everything they could in past times to support it. I shall have to ask the hon. Member opposite (Baron Henry De Worms), when he rises to reply to me, and to move the rejection of the Bill, to explain what is the reason of the change of opinion which has been brought about, so far as the Conservative Party are concerned? Among the supporters of the Bill have been such distinguished Members of the Conservative Party as the late Lord Derby, Mr. Disraeli, the present Lord Derby, and the right hon. Gentleman the Leader of the House. I shall quote from official letters showing the views they distinctly entertained only a few years ago, and I shall show also that the Channel Tunnel scheme has been supported by the late Prince Consort, Lord Granville, Lord Clarendon, Mr. Cobden, and the right hon. Member for Mid Lothian (Mr. W. E. Gladstone). At present the French Tunnel Company have pierced an experimental gallery one and a-quarter miles long under the sea on the French side, and the English Channel Company have done the same on the English side. The English Tunnel Company holds and possesses three miles of a coast-line between Shakspeare Cliff and Dover. They are not only the lords of the soil, but they have purchased the manorial and other rights, which have been held in undisputed possession ever since the inquiry as to the lands of the great church of Canterbury and other ecclesiastical bodies in the reign of Elizabeth. What is being done, therefore, is done upon their own property—their own freehold—and within their actual rights. It is quite true that in past days with a view, as we thought, of inducing them to go with us, we communicated to the Board of Trade, and the Government generally, every step that we took, and we obeyed their injunctions whether reasonable or unreasonable. That is the present position of the matter. One objection which has often been raised against the tunnel has reference to the question of ventilation. I may say that experiments have been made upon that matter; an engine has been invented and constructed which is worked by compressed air, and as far as the experiment has gone it has worked admirably. No doubt it is more costly than steam produced by the combustion of coal; but we believe that it will ventilate the tunnel and propel the train conveying goods and passengers without smoke or nuisance of any kind. This tunnel owes its origination very largely to the suggestions which were made by a distinguished Frenchman, M. Thomé de Gomond, and on this side of the Channel to Mr. Low, Mr. Brunlees, and Sir John Hawkshaw, and since then by Sir Frederick Bramwell and Mr. Brady, who are the consulting engineers, and who have continued the operations. M. Thomé de Gomond, at the time of the French Exhibition, mentioned an interview which took place between himself and his colleagues with the late Prince Consort, and if I did not desire to shorten my remarks I would venture to read his account of what took place. It proves unmistakably that Prince Albert was a warm advocate of the tunnel, on the ground that it would prevent the isolation of which I have spoken. M. Thomé de Gomond goes on to say that Mr. Cobden, whose Treaty with France has done so much to preserve peace between that country and England, described the tunnel as the true link of union between England and France. I only propose to read a few words from the voluminous Correspondence to which these proposals led, in order to show the grounds upon which I found the remarks I shall have to make. Here is an extract from a Despatch of Lord Granville to Lord Lyons in Paris, in which he says—

> "It now remains for me to request your Excellency to make known to the French Government the present application from the Tunnel Company to Her Majesty's Government, to communicate to them the foregoing observations with respect to the undertaking in question, and to state that, subject to those observations which Her Majesty's Government have considered it their duty to make, they see no objection, in principle, to the proposed tunnel between France and England."

That is one of the main points. The next letter is a very important one, and I ask the kind attention of the House to it, and to the postscript which accompanies it. It is a letter signed "T. H. Farrer," and is dated from Whitehall Gardens, July 15, 1873. It is as follows:—

> "With reference to your letter of the 28th June, 1872, relative to the proposed Channel Tunnel scheme, I am directed by the Board of Trade to request that you will state to Earl Granville that, subject to the observations contained in my letter of the 23rd December, 1871, they would gladly see any improvement in the communication between this country and the Continent, and they would, therefore, be well satisfied to hear that the British railway system was likely to be connected with the European railway system by means of a tunnel between France and England. They presume that, while firmly opposed to any monopoly, Her Majesty's Government would not be inclined to offer objections to a concession being granted to the promoters of the Channel Tunnel Company upon the usual terms granted to a public Company in France,

provided that either by fixing reasonable limits as to time, or reasonable conditions as to purchase of the undertaking by the respective Governments, or in any other way, the concession were prevented from operating hereafter as a monopoly injurious to the public. Should any such concession be contemplated, it would, no doubt, be submitted to Her Majesty's Government, who are, no less than the Government of France, interested in its details."

There was a remarkable note appended to this document by the late Lord Frederick Cavendish. It was to this effect—

> "The draft letter mentioned above was in exact accordance with Mr. Gladstone's wishes."

The next letter from which I propose to read a passage is one from Lord Granville, in July, 1873, to the British Ambassador at Paris (Lord Lyons), in which Lord Granville says—

> "I have to state to your Lordship that Her Majesty's Government adopt the views of the Board of Trade, and your Lordship may consider them as now communicated to you for your guidance in any representation which may be made to you on the subject."

There is another letter, which is perhaps more important still, from its official character — a letter from the present Lord Derby, in December, 1874, to Comte de Jarnac, who was at that time the French Ambassador to this country, which states—

> "Of the utility of the work in question, if successfully carried out, there appears to be no reason for any doubt, and Her Majesty's Government would therefore offer no opposition to it, provided they are not asked for any gift or loan, or guarantee in connection therewith."

It then goes on to say—

> "Her Majesty's Government have no objection to offer to the proposed grant to the promoters of a monopoly for 30 years after the final completion of and opening of the tunnel, nor to the concession itself extending to a period of 99 years from the same date, the question being reserved of some limitation being imposed as to the date of the final completion."

As far as the correspondence went up to this point, everything appears to have been satisfactory. Her Majesty's Government, in the next place, appointed an able Member of this House—Sir Henry Tyler, who was then of the Board of Trade; Mr. Horace Watson, Solicitor to the Department of Woods and Forests; and Mr. C. M. Kennedy, of the Foreign Office—to negotiate a Convention with Commissioners appointed by the French Government, and the negotiations extended over many months. In May, 1876, two of the Channel Tunnel Commissioners—Sir Henry Tyler and Mr. Kennedy—sent the following letter to the Secretary to the Treasury:—

> "Foreign Office, May 31, 1876.
>
> "SIR,—We have the honour to transmit herewith a Report, signed by ourselves and the French Commissioners, enclosing a Memorandum which the Joint Commission recommends should be adopted as the basis of the proposed Treaty between Great Britain and France with regard to the Channel Tunnel and Railway; and we should be obliged by your submitting the same to the Lords Commissioners of Her Majesty's Treasury.—We have, &c.,
>
> (Signed)
>
> "H. W. TYLER AND C. M. KENNEDY."

From the Report and draft convention which accompanied this letter, it will be found that the question, not only how the tunnel was to be dealt with in a time of peace, but how it was to be dealt with in a time of war, was most carefully and laboriously considered; and I find further letters from Members of the Government, thanking Captain Tyler, as he was then, and the other Members of the Commission, for the great services they had rendered. This may be called the past or ancient history of the question. The objections which have been raised in regard to the tunnel have been almost entirely military objections, although I believe there is one gentleman who has given testimony against the project, and has supplied the hon. Baronet opposite today with information, who is a civilian, and he may have therefore given strong military reasons against it. Apart from that, all the objections which have entered at all into the mind of the public have been military objections. It has been said that Members of both political Parties composing different Governments may have sanctioned the principle and agreed to the details of the project; but that there was no military inquiry into the matter. Now, Sir, with very great trouble and difficulty, I moved for and obtained a Return of a Memorandum, which may be called a missing link in this story. It is a copy of a Memorundum which was submitted to the Surveyor General of the Ordnance by Sir W. Drummond Jervois, Deputy Director of Works, on March 3, 1875, Sir F. Chapman being at the time Inspector General of Fortifications. That document was presented to the House in a Return from the War Office, dated

August 9, 1883. The Memorandum says—

> "There appears to be no objection to the proposed tunnel, provided due precautions are adopted. Should this country, in alliance with France, be at war with another Continental Power, the existence of the tunnel might be advantageous. Should this country be at war with France, the proposed tunnel could, no doubt, be readily closed. Having regard, however, to the possibility of the tunnel being unnecessarily injured under the influence of panic, and to the probable cost of repairing such injury, it is desirable to obviate, as far as possible, the necessity for adopting extreme measures, and with this object to pay due regard to defensive considerations in the construction of the tunnel. Moreover, unless proper military precautions be taken, it might, under some circumstances, happen that France might be able, in anticipation of a declaration of war, to send a body of troops through the tunnel, and to thus obtain an important military advantage. Such a body of troops could readily entrench themselves, and could be rapidly reinforced. If, however, suitable defensive arrangements are made, such an undertaking would be impracticable, and even in case of war being imminent, no fears need be entertained which might lead to the partial destruction of this costly work."

Now, Sir, will anybody tell me that the important official Memorandum which those distinguished officers were required to prepare on the subject was not submitted to the War Office, and placed under the eyes of the Commander-in-Chief? It is impossible to conceive otherwise, and I am told, as a matter of fact, that it was. Therefore, before 1883, it is clear that the War Office were perfectly alive to what these two distinguished officers had reported, and it was to be supposed that they agreed with the Report which was made. In dealing with military men it is sometimes assumed that the soldiers of this country are unanimous on this question. Why, Sir, it is nothing of the kind. I know of many distinguished soldiers who, if they dared, would speak as to the ridiculous character of the objections put forward on the matter by our two most eminent military men—the Commander-in-Chief and Lord Wolseley. I am going to quote a very few words from the opinion of Sir John Adye, a distinguished military man, who has, perhaps, seen more service than any other half-a-dozen Generals you could put together. And this is what Sir John Adye says. I am sorry to weary the House with extracts, but the question is so important that I am sure the House will give me its indulgence. Sir John Adye says—

> "The tunnel may be a foolish venture. It may never be completed, it may, even if completed, be financially a failure; it may not realize any of the objects intended. On all these points I do not care to give an opinion, but as to its dangers in a military sense, and with the most ordinary precautions, I am unable to perceive them. The invention of steam as a motive power for ships, and the creation of large harbours on the French coast, are more serious matters for us in a military point of view than any amount of tunnels are likely to be. But I must go farther. Even supposing that a certain amount of danger were caused to this country by the construction of a submarine tunnel from France, I do not think that circumstance in itself would be a sufficient argument against its construction. The advantages of increased means of intercourse between the two countries, and the facilities for commerce, &c., may be so great as to overbalance the possible disadvantages; and, in that case, it would be our business to take such military precautions as would, whilst leaving it free in peace, enable us to provide against the possible dangers of a state of war. It surely is not a sound argument that, because a certain course may lead to a possible danger in war, we are, therefore, peremptorily to put a veto on it, and thus to deprive ourselves of the advantages which would accrue in peace. Bear in mind I give no opinion as to the tunnel itself—that is, whether it is likely to be completed, or to be a success, or whether its construction will pay commercially. I am assuming that these points have been considered and determined affirmatively, and if so, our duty then will be to take such military precautions as will prevent its use adversely to our interests in war. On this point I would observe that the tunnels under the Alps are being made apparently with the same general view as the submarine tunnel under the Channel, namely, for improvement of intercourse and facilities of commerce; and in their case the dangers would appear to be far more real than any which can be ascribed to the Channel Tunnel. But the nations at each end, no doubt, feel confident that they can prevent their adverse use in war. And, again, I would point out that all the great Continental Powers of Europe are united, as it were, by a network of railways, roads, and river communications, all of which afford ready means for invasion in case of war—dangers far and away greater than any we can incur by one long tunnel from one country necessarily terminating at a fixed point or exit in the other. The Continental Powers, however, do not dream of interdicting or blocking these international highways in peace time, because they feel, and rightly so, that the remedy would be far worse than the disease. To destroy or to prevent the means of external communication would, in fact, be intolerable. Consequently, whilst alive to the possible dangers, they confine themselves to minimizing them in time of war by obvious military precautions. This is exactly what we shall have to do when the tunnel is completed, but the precautions to be taken by us are fortunately of a very simple character as compared to those entailed on the Continental Powers."

Let me quote another letter from Sir Andrew Clarke, a distinguished man, who has served his country in various parts of the world—

> "Of course, in its effect upon the commerce of the two countries, as I have hinted, in case of war with Germany or Russia, or, say, with the United States, the tunnel would be a great source of security. With France as a friendly ally, or even taking up a neutral position, our goods would go under the ocean to France, and the Continent generally, and we should be under no anxiety as to the cruisers of the enemy seizing them. With Germany rapidly acquiring a foremost place as a naval power, this is a matter to which some significance should be attached. I will, however, pass to the consideration of the actual facility for attack which it is said the tunnel would afford. On this point I would say that I think the importance of the protection which 'the silver streak' gives has itself been somewhat magnified at the expense of the tunnel scheme. Assuming that a Commander-in-Chief on the French side were charged with the responsibility of conducting operations, and had full control given to him so that he could effect his object in the best possible way, it is extremely probable that, rather than make use of the tunnel, he would fall back upon steam transports, so as to make his crossing and attempt at a landing. Difficult as the task under any circumstances would be, he would by such means at least have the advantage of knowing to a certainty how he could land the various forces at his disposal; and then, in the presence of an enemy, he would be better able to judge of how he should distribute his troops. But it is said that what we have to guard against is a surprise. It is theoretically suggested that a number of troops, some 2,000, might be got through the tunnel and secure the entrance on this side. Such a surprise, however, would be a simple impossibility. Are these troops to come without arms and without uniforms, so that their passage and arrival may not be suspected? The sudden movement of such a body could not elude suspicion, for we cannot suppose that all this movement could go on without the railway subordinates, the military, or the public getting some hint of it. And even if the suppositious 2,000 men could be secretly conveyed, it is not to be forgotten that their passage would have to be preceded by the massing of an immense force of troops on the other side, which force, it is supposed, might be brought over after the tunnel was secured. Such a massing of troops would, of course, not be the matter of an hour, and is would, if anything, be as difficult to keep secret at the passage of the 2,000. Granting that the tunnel was seized and the 2,000 troops were for a time unmolested, the difficulty of passing the main body with the necessary horses and material through the narrow tunnel with sufficient despatch would be simply insuperable, and it is hardly to be doubted that, with all allowances made for the advantage of a surprise, a force which could only issue from the end of a caterpillar-like structure in driblets would soon find itself disseminated. In a general way, however, and apart from this, I am not inclined to attach much importance to the value of railways for the advance of an army in force, and still less should I do so when that railway was worked in a tunnel. However such railways may be auxiliary to the movement of troops, I am not aware of any instance in which they have served to advance an entire army, and nothing could have shown the difficulty in this respect better than the modern continental wars have done. Indeed, no one who witnessed what was experienced when we ourselves sent a comparative handful of troops into Afghanistan could fail to appreciate the difficulties which are to be met with when dependence has to be placed on communication by railway alone. Not, however, further to argue the points involved in the mere movement of troops through a tunnel such as that which it is proposed to construct, it would be absurd to suppose that the art of the military engineer is so exhausted that the tunnel itself could not be secured."

The words which follow are excessively important, and are as much the words of a statesman as of a soldier. Sir Andrew Clarke goes on to say—

> "On all grounds, therefore, I think that the objections against the tunnel being made are not capable of being sustained, and this only I will add—if the industrial and social progress of our country, and the larger interests of humanity can be promoted by a work of this kind, it is not the *rôle* of the soldier to check the aspirations of his countrymen. Nay, rather, ignoring the imputations that may be made as to the promoters and capitalists being guilty of merely ignoble and sordid motives, let him exercise his service and his art for the removal and not the creation of obstacles to enterprise."

Let me state a fact which is, I believe, very well known both at the Board of Trade and the War Office in regard to an eminent strategist—Count von Moltke. Count von Moltke has deliberately said that it would be about as possible to invade England through the Channel Tunnel as it would be to invade England through his library door. I think that the opinion of Count von Moltke is worth considering. We have had scares in this country before. I remember when the Manchester and Liverpool Railway was projected it was said that the French might land at Liverpool and sack Manchester, and the Duke of Wellington expressed doubts whether it was desirable to make a railway at Southampton, because, in the event of invasion, it would render access to London more easy than it would otherwise be to an enemy. Then there is the case of the great Exhibition of 1851. Hon. Members will remember the absurd fears entertained in regard to the Exhibition which are so graphically described in Sir Theodore Martin's *Life of the late Prince Consort*, from which I will only read a single quotation. Writing to Baron Stockmar on the subject, the Prince Consort said—

> "The Exhibition is now attacked furiously by *The Times*, and the House of Commons is going to drive us out of the Park. There is immense excitement on the subject. If we are driven out of the park the work is done for."

And, again—

> "The opponents of the Exhibition work with might and main to throw all the old women here into a panic, and to drive myself crazy. The strangers, they give out, are certain to commence a thorough revolution here, to murder Victoria and myself, and to proclaim the red republic in England: the plague is certain to ensue from the confluence of such vast multitudes, and to swallow up those whom the increased price of everything has not already swept away. For all this I am to be responsible, and against all this I have to make efficient provision."

I think that statement is quite as absurd as anything the military gentlemen may have got up. There is, however, a remarkable passage in the Report of the Commissioners of the Exhibition of 1862. They say, referring to 1851—

> "Public opinion, in its surly moods, accused the Exhibition promoters of giving up their country into the hands of invited savages. The memorable May-day of 1851 was looked forward to with dread by many honest people, who regarded it as the turning point in England's fate. They expected that London would be ravaged at will, and planted with many varieties of new diseases. The tomahawk was looked for in Hyde Park—the stilletto in Cheapside, and dirt, strange costumes and stranger manners everywhere. Unmanageable crowds were pictured assembling in the chief thoroughfares to make the Exhibition a stalking horse for riot and plunder. Wild fears produced over-caution in the laying out of plans, and the police and army were concentrated as if for an internal war."

These are the words of the Commissioners of the Exhibition of 1862 about giving up the country into the hands of an invading army in the event of actual war. And it is a Report not from enthusiastic people, but a deliberate Report made by the Commissioners of 1862, many of whom were Members of this House; and that was the state of things apprehended at that time. I have very little more with which to trouble the House, but I must say that a great deal more is made than ought to be made of what is called "The silver streak." How was it that this House at the behest of Lord Palmerston voted £40,000,000 for fortifications? What was the reason of it? It was because Lord Palmerston contended that the introduction of steam, accompanied by the increased means of transport which it gave, had deprived us of the great advantage—if it was an advantage—of our insular position. However, what we propose to do is not to abolish or to interfere with "The silver streak" at all, but rather to create a golden band of peace between two great nations by promoting this larger intercourse between them which will be brought about by increased means of intercommunication, which will tend not only to produce a large trade, but those ideas of security and peace which must frequently be wanting between the nations of the Continent. I do not know where all the opposition comes from. We see what the military opposition is, and we see what opinion a soldier of soldiers entertains. Is it possible that there may be some idea that by bringing about a closer relationship and a state of greater friendship and cordiality between England and France, we may displease Prince Bismarck and Germany? On one occasion I took a distinguished German to see the works, and when he came back he said—

> "I see the works can be done. They can be done easily; they can be done cheaply and rapidly but when they are completed England and France must become more and more one country,"

I said, "That is really what we want," and the reply was—

> "That may be very benevolent, but I do not think it would be good for Germany."

I hope there is no German idea at the bottom of this opposition, and that that is not the state of things we shall have to deal with. As we have now, to some extent a working men's Parliament, I should like to quote a working man's opinion. This is the opinion of Mr. Battersby, a man well known to many of the working men Members of this House, who belonged at the time it was expressed to the Scottish Typographical Association. Mr. Battersby said, in reply to a request to join an influential deputation of representatives of the working classes of the country upon a question relating to labour, in allusion to the proposed Channel Tunnel—

> "I am in receipt of yours of 30th, and regret to say that it would be highly injudicious for me to attempt a journey to Paris next month, for travelling knocks me up. I would like to have seen some of our French friends, and been able to express to them my entire concurrence in the great engineering scheme by which our respective countries are to be connected and made closer to one another."

[*A laugh.*] Probably hon. Gentlemen

will not laugh if they will allow me to continue——

> "The opposition to it may triumph for a time, but I am quite sanguine the work will be completed yet. I have never attached much importance to the opinions of military men upon the means which are best adapted for drawing nations together, or to spread the arts and studies of peace. They have all been despotic and tyrannical, and are likely to remain so. We want more liberty, light, and peace, among the nations of Europe; and less war and national jealousy among them. If wars depended upon the voices of the people in France, England, Germany, &c., they would be like angel's visits—few and far between. Express to our French friends my warmest approval of the projected Tunnel, and the success of every movement by which the prosperity of both nations may be increased."

Some time ago a deputation of the working men of this country waited upon President Grévy. President Grévy is a man of great thoughtfulness and great foresight. He was then, as now, President of the French Republic, and in reply to an address presented to him by these English working men he said—

> "He regarded the Tunnel as a magnificent enterprise, and one involving the happiest effects. It was not therefore on that side of the Channel that any objection would be raised. France did not anticipate or fear an invasion. But it was not for him to judge the preoccupations of eminent Englishmen. It was in England that the opposition existed. They had addressed themselves to the French workmen, who were certainly in harmony with them, but what influence could they exercise over public opinion in England. It was for Englishmen to reflect and decide. If England thought isolation and separation the best for her, she was the best judge. This was the only reply he could give so far as the Tunnel was concerned. No objections would be raised against it in France. It was purely an English question."

Now, I want to know whether anybody on the other side of the House—whether the Leader of the Government or any other important public Minister in dealing with France is in favour of a policy of isolation and separation? There can be no doubt that any man of business; anybody connected with shipping; anybody who knows anything about business, who will take the trouble to read the excellent paper prepared by Colonel Hozier, the Secretary of Lloyds, will see how greatly our trade is being drawn away from us to ports and places on the Continent because we will not carry out the great works that are necessary for unbroken communication. It will be found that the means of landing and transport in our great ports are greatly excelled in almost every nation of Europe. Take the case of Antwerp. That port is becoming rapidly what it was 200 or 300 years ago before it was destroyed by the Spaniards. It is now the great port of the North of Europe, and a very large business is now being done at Antwerp in connection with our Colonies, because they can get accommodation there which they cannot get in England. Moreover, they get through rates to every part of Europe in the same waggon or carriage—a thing which they find it impossible to get in England. In a very few years the shipping of Antwerp had increased from 2,300,000 tons to 3,300,000 tons annually. These figures prove my contention that we are getting from day to day more isolated, while Europe, on the contrary, is becoming more united. I have very few more words to say, and I think the quotation I am about to make will be far better than anything I can say. It is contained in the concluding words of a Report prepared by yourself, Sir, the present Governor General of Canada, Lord Lansdowne, by Lord Aberdare, and by the Right Hon. W. E. Baxter, formerly a distinguished Member of this House, who represented Dundee. That report says—

> "We have now, however, imperfectly, reviewed the chief arguments to which we have had the advantage of listening in regard to the military aspects of this question. We have, in the earlier part of our Report, expressed our conviction that the commercial advantages likely to result from the opening of a Tunnel under the Channel are likely to be very considerable, and may probably far exceed the most sanguine expectations formed with regard to them. We are of opinion that a great industrial enterprise, offering a prospect so encouraging, should not be arrested except for conclusive reasons. We have given our reasons for believing that in the case of this enterprise the reasons urged for arresting it are not conclusive. In order to show sufficient cause for interference on the part of the State under such circumstances, it is, in our opinion, not enough to prove that circumstances can be conceived under which the existence of a Channel Tunnel might involve a more or less remote risk to the country, or that it is impracticable to devise precautions upon which absolute reliance might be placed 'in every imaginable contingency.' This is, however, all that has been done in the present instance by the opponents of the Tunnel project. They have, with much ingenuity, assumed the presence of every condition favourable to the view which they entertain, and the absence of every condition unfavourable to it, but they have not been able to show that there is the slightest prospect of a simultaneous presence of the whole of those favourable conditions, and unless this be assumed the whole argument founded upon them falls to the ground.

> "Holding these opinions, we have no course open to us except to recommend that this enterprise should not be prohibited on merely political grounds, and that it be allowed to proceed, subject to the ordinary Parliamentary examination by Committees."

I have now nothing further to do than to thank the House for the generous attention it has given to one of the humblest of its Members, whose only justification is that he does not often trouble the House. I beg to move that the Bill be read a second time.

MR. PULESTON (Devonport): I beg to second the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Edward Watkin.*)

THE SECRETARY TO THE BOARD OF TRADE (Baron HENRY DE WORMS) (Liverpool, East Toxteth): I think that in view of the arrangement which was arrived at last night between the Leader of the House and hon. Gentlemen below the Gangway opposite, I should not be acting in accordance with that agreement if I were to intervene at any great length on this question, and so prevent the discussion of what is considered to be a far more important question—namely, the Irish Land Law Bill. I should have been loth to arrive at this decision if the hon. Baronet had advanced any real, new, cogent, or important argument which necessitated a long reply. If I may be allowed to say so, in the history of the Channel Tunnel Scheme which the hon. Baronet has given to the House, he seems to have forgotten that since the letter which he quoted, and which expressed undoubtedly the individual opinion of a man who is eminent as a statesman, a Committee of this House and of the House of Lords has dealt with the matter at very great length, and has carefully inquired into the whole question of the Channel Tunnel. And here, Sir, I must be allowed to say, and I say it with all respect to the hon. Baronet, that I do not think that the pamphlet from which he has quoted, and which has been widely circulated among Members of this House, very accurately, or, perhaps, very fairly, represents the views adopted by the Committee of 1884. The pamphlet gives the expression of the opinion of the Chairman of that Committee. As a matter of fact, it was a minority Report which was never received and never adopted. The fact that five other Reports were made and not adopted has been scrupulously concealed from the knowledge of the public. The hon. Baronet has relied to a great extent upon what has been printed in that Report; but if he wanted to give the House a strictly accurate and fair Report, he ought to have referred to the views expressed by other Members of the Committee in the proportion of six to four. The hon. Baronet has informed us that this scheme is purely a national and philanthropic one, having for its sole aim the development of more cordial feelings between France and England; that it is of a benevolent and charitable nature; that there is nothing Utopian in it, and that it is not in the slightest degree connected with profit and gain. This may be very interesting news to the House of Commons; but there may be some hon. Members who, like myself, do not consider that the promoters of the scheme are so thoroughly disinterested and have no eye to gain. The hon. Baronet has told us that the object of the scheme is to do away with the isolation of England. Now, I must say that I never in my life heard a more astounding proposition. The isolation of England is to be prevented—how? By uniting England with a Foreign Power! I have always understood that the insularity of England is England's strength, and in that sense isolation and insularity are synonymous. The hon. Member, however, thinks that in order to strengthen this country it is necessary to unite it to France, and he asks the House of Commons to give that power to a Joint Stock Company, with a limited liability, forgetting that the Government which is to give it has unlimited liability. I do not think that if the hon. Gentleman had weighed his words he would have used them, or that he would have considered them in any way a cogent argument in support of the scheme he proposes. But the hon. Gentleman tells us that this is a purely experimental scheme; but, so far as the experiment has gone, it has proved to be very successful from an experimental and engineering point of view. What, then, does the hon. Gentleman want? He wants the sanction of the Government to the continuance of the scheme, and not to the experimental scheme.

SIR EDWARD WATKIN: No; I confine it to that. As I have stated already, the whole of the tunnel question in future is to be left in the hands of the Government of the day—which means Parliament.

BARON HENRY DE WORMS: The experimental scheme has been tried by the House, and by a majority of 281 to 99 the House declared that it would have none of it. I am, therefore, at a loss to understand why, in face of a scheme purely experimental, we should recommence operations of which the House has expressed a decided condemnation. The hon. Baronet told us that it was absurd to be guided by the opinion of military authorities, and in the same breath he quoted the opinion of a working man, who thinks it is entirely to the advantage of this country that the tunnel should be made, and that it would not be fraught with any military danger whatever. Then he went on to say that opinions had been expressed by the late Lord Derby and other illustrious statesmen in favour of the scheme. I will not trespass upon the patience of the House by reading the opinions of an enormous number of eminent men who are opposed to the scheme. I may, however, inform the House that there is scarcely an organ of public opinion, from one end of the land to the other, which has not expressed an adverse opinion on the proposal. Of course, that goes for nothing at all in the view of the hon. Baronet, who maintains that the isolated state of Great Britain necessitates its connection with France by means of a Channel Tunnel. The hon. Gentleman ridicules the ideas expressed by eminent military authorities like Lord Wolseley and others. Although I should be willing to adopt the practical views of the hon. Baronet on all questions of railway policy or joint stock enterprize, I confess that I much prefer the opinions of Lord Wolseley and those who think with him on military matters. Lord Wolseley has distinctly stated—and he has not been contradicted—that if this tunnel is constructed we should increase, to a great extent, not only the danger to this country, but should involve it in the enormous expense that would be necessary to maintain a large Standing Army. I ask the hon. Baronet whether he does not agree that the security of this country is mainly due to the fact that we have not a military frontier? But by this scheme we are going to create an artificial frontier. The reason why the countries on the Continent maintain large Standing Armies is simply and solely because they have a large military frontier to defend. Are hon. Members opposite, who are continually preaching economy, going to create an artificial frontier, to protect which the country will have to pay heavily, or, failing to do so, they would not do their duty to the country? The hon. Baronet has also said, more than once, that surprise from an enemy is an absurdity. [*Cries of* "Hear, hear!"] Other hon. Members, in addition to the hon. Baronet, seem also to say so. The hon. Baronet gave as a reason that wars are always proclaimed, and that people are perfectly aware of what is going to take place. But I would remind the hon. Baronet that history proves that such is not the case, and an incident which was only reported yesterday shows the facilities whith which a strategical surprise may be effected. It was related in the House that our own Fleet had been sent round the coast with the avowed object of taking one of our ports. The ports were warned of that fact, and of the approach of the Fleet, and yet we have received the news that in broad daylight Falmouth has been taken. I, therefore, ask the hon. Gentleman to apply that argument to the Channel Tunnel, and to say whether, in the event of war between France and this country, we might not find ourselves exposed to attack and surprise similar to that which I have just mentioned. One word more. Let me remind the hon. Gentleman that it is not a question of two nations being at war. There is an intermediate condition besides that of actual war. Within the present Reign the relations between France and England have been most strained, and dangerously so. I ask the hon. Baronet to carry his mind back to the periods of 1844 and 1846, when the relations of the Government of Louis Philippe and those of the Government of the Queen were critical. To come to a later period, does the hon. Member recollect the incident of the French Colonels, in 1858? That incident was a threat of invasion which necessitated the creation of the Volunteer Force.

Mr. T. P. O'CONNOR (Liverpool, Scotland): Because there had been actual assassination perpetrated.

Baron HENRY DE WORMS: If a similar scare occurred at the present day I would ask the hon. Baronet to consider whether it would not be necessary to destroy all these wonderful tunnel works which are to prove a boon to the country and to humanity, which are to unite the two countries, which are to do so much commercially for us, and which at any time it might be necessary to destroy. As I said at the beginning of my remarks, I do not think it necessary, nor do I think it right, that I should take up the time of the House. I can see nothing in the question that requires investigation at the hands of a Select Committee; and I will, therefore, conclude by moving the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Baron Henry De Worms.*)

Question proposed, "That the word 'now' stand part of the Question."

The CHAIRMAN of COMMITTEES (Mr. Courtney) (Cornwall, Bodmin): I rise, Sir, for the purpose of deprecating, if possible, any continuation of this discussion. Hon. Members are aware of the important Business to be transacted before 6 o'clock. The Business can be done in four and a-half hours; but if the discussion continues I cannot say what may happen. I therefore ask those who support the Bill and those who are opposed to it to take the Division at once. I make this request with a freer mind, because I am a decided partizan of the undertaking. The speech to which we have just listened—the very clever speech of the Secretary to the Board of Trade—perhaps a more clever than judicious speech was—to my mind, rather a mixture of what I may call, without disrespect, "bogeyism and fogeyism." The hon. Baronet made an admirable speech in moving the second reading of the Bill; we have had a reply from the Representative of the Government, and I think we may now proceed to a Division.

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I wish to add my appeal to the House to follow the advice which has been given by the Chairman of Committees. I am exceedingly sorry to stand between the House and the hon. Member for the Cockermouth Division of Cumberland (Sir Wilfrid Lawson), who appears to be desirous of speaking upon the question, or of any other hon. Gentleman, whether he may sit on this side of the House or the other; but I fully recognize the force of the appeal which has been made by the Chairman of Committees, and I think it is patent to every hon. Member that it is desirable we should come to an immediate decision upon the Bill, as to the nature of which we are fully informed.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): I would venture cordially to support the appeal of the right hon. Gentleman opposite. I am very sorry to stand in the way of my hon. Friend behind me (Sir Wilfrid Lawson); but everyone must agree that the Irish Land Bill is of far more immediate and pressing importance than any issue that can be raised in a Private Bill, and therefore I hope the House will accept the advice which has been given to it.

Sir WILFRID LAWSON (Cumberland, Cockermouth): I must protest, with all my power, against the doctrine which has been laid down by the three right hon. and hon. Gentlemen who have just spoken. Is it to be expected that the House of Commons is never to discuss any English question at all, but that its whole time is to be devoted to Irish matters? That is evidently what is meant. Do hon. and right hon. Gentlemen suppose that the Irish Land Bill can be discussed and finished before 6 o'clock? My experience of Irish debates is very different from that of right hon. Gentlemen if they suppose that the Committee on the Land Bill can be finished before 6 o'clock. This question of the Channel Tunnel involves a much greater question than hon. Gentlemen seem to think. It is not only a British question, but an international question—a question relating to the peace and goodwill of nations; and I maintain, therefore, that it ought to be followed up and freely discussed in this House. The hon. Gentleman the Secretary to the Board of Trade, who spoke a short time ago, took up a good deal of time, although it would appear that he does not want anybody to reply to him. He told us that the House decided the question long ago. The House of Commons did, but not this House. It never has been discussed in this House, and my hon. Friend who has brought it forward has a perfect right to lay it before the House, and get a full and free opinion upon it. I am sure there are many hon. Gentlemen on this side of the House who will agree with what I say, and be prepared to support the free discussion of the matter. Surely the *onus probandi* is on the other side. It is universally admitted that free communication between different parts of the country which are concerned in the interchange of commodities and passengers is a very good thing. [*Cries of* "Oh!" *and* "Divide!"] The right hon. Gentleman on the other side may put a stop to the discussion by moving "That the Question be now put." He has a majority, and can do so; but let hon. Members opposite put the closure in a legitimate way, and not by giving utterance to inarticulate shouts. I say that this is an age of tunnels and bridges, and that free communication between peoples is a good thing. Yet, when we come to France, it is said that we ought not to have that free interchange and communication that is desirable with all other countries. We have carried a tunnel across the Mersey, and another across the Severn; but now we come to the French Coast, although for three-quarters of a century we have never had a quarrel with France, the hon. Gentleman the Secretary to the Board of Trade gets up and talks of our strained relations. Now, we have never had a rupture for a good many years, and there is no reason why we should have one. I was astonished to hear the hon. Gentleman say that our insularity was the source of our strength. I have heard that argument used against us—we who talk of peace are accused of wishing to isolate this country—and now we are told that insularity is the only thing that can protect us. The course taken in opposing this measure is one of the most extraordinary things of the present day. We have a Blue Book here published in the 19th century full of protests signed by Colonels, Archbishops, Bishops, Majors, poets, and painters, against the Channel Tunnel scheme; but I certainly was astonished to see among them the name of my hon. Friend the Member for Morpeth (Mr. Burt). His name, however, is the only one in the whole lot which may be said to represent the popular feeling of the country, because it is an expression of opinion on behalf of the working man. I therefore ask my hon. Friend to get up and explain how he can justify his opposition to this project on behalf of the working man? Why should he oppose a thorough interchange of commodities between the two countries? The only argument that can be used against it is that if we make this tunnel it may increase the chances of scare and panic, from which we are always suffering in this country. But surely my hon. Friend must have arrived at the conclusion that people will not always be as silly as they are now. Surely the nations will get wiser as time goes on. At any rate, it is our duty to teach them the folly of their ways. No doubt, the idea of military men is to oppose the scheme. They tell us that they would be unable to defend the country if this tunnel is made. Surely there are plenty of them to do that. I received a very interesting pamphlet the other day, and on the cover of it was written—"With Lord Randolph Churchill's compliments." It states that in the Regular Army there are about 140,000 men, and in the Militia about 190,000, making nearly 250,000 of Regular troops to defend us. Including the Volunteers and Army Reserves, I find that there are from 400,000 to 500,000 men altogether in this country; and the noble Lord the Member for South Paddington (Lord Randolph Churchill) states that this Force, with the Navy, costs us about £30,000,000 a-year. Notwithstanding all this, hon. Members come down to the House and say that they would be totally unable to keep the French Army from coming through a hole 20 feet square. [*A laugh.*] Hon. Members are inclined to laugh at that; but I maintain that it is an exact, correct, and literal statement of the case. I am not a military man, and therefore it may, perhaps, be thought that I ought not to speak on this subject; but, still, I think I know enough about the Army to say that the very best place in which to keep an invading enemy would be a hole 20 feet square, seven fathoms below the sea. What are we trying to do every day; what are every hon. and right hon. Gentleman trying to do every night in this House? Why, to put right hon.

Gentlemen on the other side in a hole. It is considered that when you get a man in a hole you will be able to keep him down. [*Cries of* "Divide!"] I am only trying to answer the arguments of the Secretary to the Board of Trade. If hon. Gentlemen will study the Reports which have been so much alluded to in the course of the discussion, they will find that there could not be the slightest difficulty in dealing with an Army if it were coming through this tunnel. I find it stated and admitted by military men that it would be the easiest thing possible to pump water into it, or send in explosives or noxious gases, or to fill it up with shingle. Therefore, you have the means of filling up the tunnel with fire, water, earth, and noxious gases; and yet you say that with the French Army in a hole of that kind it would not be possible to overcome a French invasion. That is the most extraordinary statement I ever heard made on any subject. Ah, Sir; what an extraordinary thing it is that whenever a French invasion is mentioned we tremble! Is it that "Conscience makes cowards of us all?" France is not afraid of our invading them, and yet we are an invading people. Witness the course we have pursued in regard to the Zulus, the Soudanese, and the Afghans; but we take care only to invade those who are not strong enough to defend themselves. But why we should be afraid of France, and make use of this cowardly argument whenever the possibility of a French invasion is mentioned, and why we should imagine that any danger can arise as long as the end of the tunnel is in our possession I cannot imagine. How long would it take to march a French Army through the tunnel? Let hon. Members consider how long it took this country to land 25,000 men in the Crimea. In perfectly calm weather it took us two days. There would be no greater difficulty in landing an Army if the tunnel were made than there is now; and if an Army is once landed, and gets possession of our forts, which I am told it easily could do, it would be all up with us, whether there was a tunnel or not. The whole argument of the opposition is based upon surprise. The theory is that the French may surprise us without declaring war; and the whole French nation is thus pictured to us as a nation of brigands ready to rush on us at any moment, and thirsting for our blood, even if they are compelled to get at us through a hole 20 feet square. But what would all the people in this country be doing? What are our statesmen for; what are our diplomatists kept abroad for, at great expense, but to tell us all about these things? What are our engineers for, but to provide aids and appliances to stop such actions on the part of the enemy — [*Cries of* "Divide!"]—and what are our soldiers for except to resist, and not sit in this House and cry "Divide, divide?" I may admit for a moment the argument that the French people are all brigands thirsting for our blood, and I will make the opponents a present of the argument of surprise; but I am not prepared to vote against the measure — to declare that our statesmen are idiots; that our diplomatists are ignoramuses; that our engineers are impostors; and that our soldiers are incompetent and cowards. I will not, therefore, by voting against the Bill, pass a vote of censure upon the common sense and common manliness of this country.

SIR EDWARD WATKIN: I cannot resist the appeal of the right hon. Gentleman opposite and the Chairman of Committees; and therefore I am quite ready, as far as I am personally concerned, to go to a Division. At the same time, I scarcely think that such a course is just to the merits of the question. I am, however, entirely in the hands of the House.

Question put.

The House *divided*:—Ayes 107; Noes 153: Majority 46.—(Div. List, No. 348.)

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for three months.

ORDERS OF THE DAY.

IRISH LAND LAW BILL [*Lords.*]

[BILL 308.]

(*Mr. A. J. Balfour.*)

COMMITTEE. [*Progress 2nd August.*]

[EIGHTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

New Clause—

(Temporary adjustment of rents.)

"The following enactments shall take effect with respect to judicial rents fixed before the first day of January, one thousand eight hundred and eighty-six:—

"As soon as possible after the passing of this Act, the Land Commission, having regard to the difference in prices in counties, Poor Law Unions, or other areas, between the year one thousand eight hundred and eighty-seven, and each of the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, and one thousand eight hundred and eighty-five, shall without application determine with reference to such counties, unions, or other areas what alteration, if any, ought equitably to be made in the judicial rents to become payable in such counties, unions, or areas, in respect of the year commencing from the gale day next before the passing of this Act, according as such judicial rents were fixed in one or other of the years before the first day of January, one thousand eight hundred and eighty-six, respectively, and the judicial rents payable in respect of the year aforesaid in such counties, unions, or areas shall be varied to the extent so determined by the Land Commission:

"In the year one thousand eight hundred and eighty-eight, and in one thousand eight hundred and eighty-nine, the Land Commission shall in like manner determine what alteration, if any, ought equitably to be made in the judicial rents payable for the year commencing from the first gale day in each of the said years respectively, and such rents shall be varied to the extent determined by the Land Commission.

"The Land Commission shall proceed by counties, Poor Law Unions, or other areas as they think fit, in reference to such alterations of judicial rents, and may cause to be made such inspections and reports as may be necessary, and may ascertain averages, and may proceed in all other respects in such manner as may appear to them to be necessary for carrying out the objects aforesaid.

"The Land Commission shall publish the orders made by them under this section in such manner for giving information to all persons interested as they think most convenient."—(*Mr. A. J. Balfour.*)

MR. RATHBONE (Carnarvonshire, Arfon): I have to move an Amendment on the clause, and, in doing so, I will promise not to detain the Committee very long. I hope, in the course of a few minutes, to be able to state clearly what I propose to do by this Amendment, and my reasons for proposing it. I am very glad that the Government have accepted the principle which I advocated on the second reading, of fixed rents on a scale of prices for temporary abatements. I find, on going into the question with legal advisers, that materials seem to exist for removing most of the objections which have been made to a scale of rents fixed exclusively with reference to prices, and I would really urge upon the Government whether they cannot improve upon their proposed new clause, even with a view to its temporary operation. I would further point out that it is most desirable, if possible, for them to put things on such a footing that it might, if necessary, be adopted as a permanent basis for the settlement of judicial rents. That is surely the most important object to be carried out, both in the interests of the landlord and of the tenant, for nothing could be more pernicious to the welfare of a country as unsettlement and disorder recurring with every bad crop or fall in prices. I will state shortly what I propose, and my grounds for proposing it. I think everybody will admit, considering what the causes are which enable a tenant to pay his rent, that there are three great factors which determine that power, and which ought to be taken into consideration by the Land Commission in any attempt to fix judicial rents fairly, so that the separate rents of farms in each district would become self-adjusting. These three factors are, first, the acreage in a county or district under cultivation with varying crops or used for the maintenance of stock, as this is necessary to enable the Commission to decide in what proportion the yield of crops or the prices of different articles of agricultural produce should influence the rents of a district; secondly, the average yield per acre of the several articles fixed upon, and the number of stock available for sale in the district; and, thirdly, the prices of these various articles of agricultural produce. Now, on all these subjects it will be found that we have very interesting statistics. We have had Parliamentary Returns issued year by year. [Mr. A. J. BALFOUR dissented.] I see that the right hon. Gentleman shakes his head; but there are three sets of agricultural statistics with regard to Ireland which profess to give all the details. Of course, I know there is no such thing as absolute accuracy or justice in such matters; and these three factors will surely, with such inquiries as the Commission might make, form a far better basis for varying judicial rents than the arbitrary decisions of a number of Commissioners acting independently and without any fixed rules to guide them. Neither in the Amendment which I first put on the Paper, nor in the clause proposed by the Government, is any account taken of the second of these factors—namely, the amount of production; and yet it is one which occasionally produces as great, if not greater, disturbance as any other. I am, of course, aware that the Government contend that this Bill contains only temporary provisions to prepare the way for a grand scheme of purchase; but I would venture to point out that even for such a scheme of purchase we should have a much better basis to go upon if rents are fairly fixed on certain tangible rules than if they are unfair and unsettled. I know the Government say that it is by the revaluation of farms that rents are to be fixed. But it is inevitable that the valuers could not help being biassed and influenced by the rent fixed, as the Land Courts have been notoriously influenced by the actual rents and by Griffith's valuation. But we must go further than that, and I venture to urge that the Government would be guilty of the same blunder which has constantly led us into difficulty with regard to Ireland if they risk finding themselves, during or at the end of the three years which they allow for the creation and action of their land purchase scheme, face to face with similar difficulties in regard to failure of crops or a fall in prices, which upset the operation of the Land Act of 1881, and which they have now to deal with. What we have done invariably is what we did under the Encumbered Estates Act, what we did under the Land Act of 1870, and under the Land Act of 1881; we just deal with the present difficulty in Ireland, and we leave a place through which the waters of trouble may again flow in. I do not wish to detain the Committee at great length; but I point out that we acted then as we are acting now, and that the result will be the same hereafter if we do not take into account the seasons. The Government have relied exclusively on the Land Purchase Bill for settling this difficulty, but it will be some time before it can be worked. I do not agree with the hon. Member for Northampton in saying that this country never would and ought not on any account to incur any liability in order to facilitate a Land Purchase Act as applied to part of the land of Ireland. I consider that our failures and neglect in times past do make us partners in the conditions which exist in Ireland, and that we ought to take a limited share of the liability; but I am satisfied that this country will never submit to an enormous scheme which would render it liable for the purchase of the whole of the land in Ireland, and that if it did it would do great injury to Ireland as well as involve itself in inextricable difficulties. There is the greatest possible difference between the conditions of land in the various parts of Ireland. We must deal with that part of the land of Ireland which, being poor land let in small holdings — say of under £10 — affords little, if any, margin for economical rent, and which would cover in number the greater part of the Irish tenancies and those parts of the country which were the seed-beds of famine, of disorder, and of outrage. But if the Government attempted to deal with those larger farms of rich land in which there was room for considerable economical rent beyond the profits of the farmer, they would produce a state of things infinitely worse than that which now existed. The landlords concerned in Ireland have a better property than the landlords in England; and if you attempt to abolish dual ownership, you will substitute for landlords like the Duke of Devonshire and the Duke of Leinster small, hard landlords, who will convert their farms into property and live upon the profit. Therefore, you must not rely solely upon your Purchase Bill. We must try to make this Bill such as that it will, as far as possible, operate justly, and, where there is dual ownership, make the action between the landlord and tenant rest upon certain real and sound foundations which both can understand, and which, when rules are laid down for an area, will be applicable to the individual tenants. I think I see in the countenance of my right hon. Friend opposite this difficulty—that it would be absolutely impossible to deal with the case of each tenant. If you are to attempt to fix the rent on the produce of each farm you will get even into a worse difficulty than you are now in. I strongly urge upon the Government to adopt the proposal embodied in the Amendment which I have placed on the Paper, and whether for temporary, or, still better, for permanent purposes, to make the clause as just and complete as they can. I will only add that it should be observed that this proposal gives the Land Commission definite rules and directions to guide them, and that when once they have given their decision for an area it will be self-acting over that area. I hope that the Chief Secretary for Ireland will favourably consider the points I have laid before the Committee, and accept the Amendment which I now beg to move.

Amendment proposed to the proposed new Clause,

In line 2, leave out from "fixed," to "The Land Commission," in line 32, and insert "under 'The Land Law (Ireland) Act, 1881,' before or after the passing of this Act—

"(1.) The Land Commission, having regard, as hereinafter provided, to the principal articles of agricultural produce in any area, and to their relative importance, and to variations in the average prices and annual value of such produce, shall in every year by order determine what variation (if any) ought equitably to be made in the judicial rents fixed in any preceding year or years, for holdings in such area; and the judicial rents payable for the said holdings shall from time to time, on and after the gale day next succeeding the date of any such order, be varied to the extent so determined by the Land Commission:

"(2.) For the purpose of varying, as required by this section, the judicial rents of holdings in any area, the Land Commission shall from time to time proceed upon the following principles, that is to say:—

"(a.) They shall, having regard to the acreage of land under the principal crops, and to the amount of the other principal articles of agricultural produce, and to the value of such crops and produce in the said area, determine what crops and other articles of produce are to be taken as standard commodities for regulating the said rents, and what proportion of those rents is to be regulated by each standard commodity;

"(b.) So much of the rents as is regulated by any agricultural crop shall be varied in accordance with any annual rise or fall in the average value per acre of that crop, as appearing from the published tables of the average produce per acre, and the average prices in the said area;

"(c.) So much of the rents as is regulated by any other standard commodity shall be varied in accordance with any annual rise or fall in the average price thereof, as appearing from the published tables of the average prices of that commodity in the said area, and the Land Commission may also take into account any particular circumstances which in any year have affected the yield of any such commodity in the said area:

"(3.) The Land Commission, within *two months* after the passing of this Act, and also in the month of *January* in the next and every succeeding year, shall consider what variation per cent (if any) ought, in accordance with the foregoing principles to be made in the judicial rents of holdings in any area, as fixed by the court or varied in pursuance of this Act in any preceding year, and shall make an order accordingly:

"(4.) The area for which the Land Commission may make any such order shall be any county or group of counties or other area, according as they think expedient having regard to the principles aforesaid; and the published tables to be used by the Land Commission shall be the tables from time to time prepared by the Registrar General and laid before Parliament, or any other published tables which the Land Commission think reasonably accurate; and the Land Commission may themselves cause to be prepared and may publish any tables for the purposes of this section:

"(5.) Where, according to the ordinary course of dealing between the landlord and tenant of a holding, the payment of the rent has been allowed to be deferred until the gale day next succeeding that on which such rent legally became due, such succeeding gale day shall, for the purposes of this section, be deemed to be the gale day on which the rent is payable."—(*Mr. Rathbone.*)

Question proposed, "That the words proposed to be left out stand part of the said proposed New Clause."

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): My hon. Friend who has just sat down has moved a very elaborate Amendment to the scheme of the Government; and I will at once admit that the scheme proposed by the Government is a rough and ready scheme, and one which has never been suggested to the Committee in any other sense. I also admit that the scheme of my hon. Friend is not only more elaborate, but more theoretically perfect than that of the Government. Having made those admissions, I hope that my hon. Friend will make me some admissions in return. I hope he will admit that his scheme, although elaborate, is not elaborate enough to make a complete and perfect system of the sliding scale. My hon. Friend takes into account the special yield of the district and the prices in the district, and he has fixed these two quantities in rather a more elaborate fashion than we do. These are not, however, the only things to be taken into account in making a perfect automatic system of rent settlement. You have not only to take into account the variation of prices and yield, but you have also to take into account the variation of profit. At a time when profits in all industries are lower than they have been before the farmers can-the agency or at the expense of the tenant or by his default. Practically what I propose is, that every five years there should be an adjustment as prices vary, the Commission having regard to that factor mainly and that factor only. This plan has been found on the experience of 100 years in India to be most workable; it prevails now in India; it is recommended by the Commission, and I think the Government will find it a much better and easier system than that which they have brought forward, which provides for a three years' adjustment, but which does not take into account the variation there may be in the years 1890 or 1900. It seems to me, having regard to the great uncertainty as to prices in this country and all over the world, that it would be most desirable that, instead of attempting to fix the rent each year for three years only, you should fix it for five years by the same kind of machinery as is already in working order in India. I think if you had a system of that kind it would not be at all difficult to re-adjust rents in Ireland on the limited grounds to which I have alluded every five years, and that we might have come to an adjustment, not by actually automatic, but what I may call a *quasi* or semi-automatic process. You may possibly have prices rising considerably, and I think it would be very hard on the landlord if when prices were down you should reduce his rent, and not increase it when they are up again. You must remember that you have to deal with two classes of tenants, the one solvent and the other insolvent. With regard to those that are solvent the worst that can happen to them is that for the last two years they might be paying a little more rent, and that they might lose something in the aggregate. But with regard to those who are insolvent, unless hon. Members are prepared to accept the insolvency clause suggested by the Government you cannot go into their case. I again say that it is my impression that it would have been better if the Government had confined the annual adjustment to a much narrower limit, and adopted the plan of the Commission for a general adjustment every five years.

Mr. SHAW LEFEVRE (Bradford, Central): I do not wish to detain the Committee more than two minutes, but I desire to address one word by way of warning to the Government. Their scheme appears to me to be open to the objection which the hon. Member for Kirkcaldy (Sir George Campbell) has urged against it. As I read the clause the Land Commission will only be entitled to consider the question of price, and will have no right to regard any other point whatever. Let me suppose the case of bad harvests through the three years; the prices will then rise, and the rent will be increased, although the produce may be less than the average, and the tenants less able to pay their rents than they were in ordinary years. I remember the Report of the Commission in which it was pointed out that there were hundreds and thousands of small tenants who would be totally unable to pay any part of their rent if there should be a failure of crops. It seems to me that in laying down a rule upon which for three years rents are to be determined, you ought to take this matter into consideration. At the present moment the difficulty arises in connection with the fall in prices; but it is quite possible that in the next three years there may be an alteration, and I do think it would be wise, without going to the length of adopting the Amendment of the hon. Member for the Arfon Division of Carnarvonshire (Mr. Rathbone), if some attempt were made to deal with this point. I shall be glad, for my part, if the Government would put in words to give greater latitude to the Land Commission, so as to enable them to take into account not only the question of price, but also that of the produce of the area.

Mr. ESSLEMONT (Aberdeen, E.): Perhaps I may be allowed to say that I sympathize with the view of the right hon. Gentleman the Chief Secretary for Ireland when he says that the hon. Member for the Arfon Division of Carnarvonshire (Mr. Rathbone) ought to be contented with the discussion which has taken place upon this Amendment without dividing the Committee. I do not follow my hon. Friend the Member for Kirkcaldy (Sir George Campbell) with regard to what may happen in the year 2000—I simply rise to make what I believe to be a practical suggestion. I do not share the views either of the Government or of those hon. Members on this side of the House who say because this is a temporary measure we ought not to make it a perfect measure so far as we can under the circumstances. At the same time, I may be allowed to say, on behalf of the Government and the right hon. Gentleman, that I believe the solution of this question does lie in the abolition of dual ownership. I think the right hon. Gentleman will agree that there is no fair balancing of rent as a share in the produce of the soil. There is a certain share of profit required for the working of the soil, a certain share required for the capital of the tenant, and a certain share out of which the tenant must live. Now, I suggest that the Land Commission or valuators should settle the productive power of the land. Supposing that the land is occupied, and producing five quarters per acre, and supposing that the Commission should settle the proportion belonging to the landlord and the proportion belonging to the tenant; then having settled that you must fix the rent; if the production of the land is regulated by low prices, the rent will be correspondingly lower, and if by high prices it will be correspondingly higher. I admit that the tenant and landlord must take even chances of good and bad years; but I think there ought to be a premium on good farming, and a fine on bad farming. I think the tenant ought to be made to strain his utmost efforts to make the land as productive as possible. Both on principles of political economy and in the interest of the tenant, I think the landlord ought not to desire to take more than his fair share, because the tenant happens to be an enterprizing man. There would be this encouragement to the tenant—that if he could make the land produce five or six quarters, one quarter would be his own as the produce of his skilled farming; if he were a careless or indolent farmer, and allowed the farm to fall below a fair standard, he would be fined to the extent of 20 per cent as the result of his own carelessness. It can, of course, be said that this plan is subject to many contingencies. You may ask, how is it possible to regulate the prices on a farm where the product is so very varying? My contention is that the general productiveness of the farm is confined to two or three articles produced in the district; and that if you have two or three main products to regulate the rent, you will not go far wrong in the amount of general productiveness of the land and the general profit of the farmer. This is the conclusion at which I have arrived, after much thought, on a subject which has come forward lately in connection with the crofters in the Bill of last year, and which will undoubtedly be brought forward again. I think any Government that may be in power will do well to take this matter into consideration as a basis on which there is a possibility of settling this much-vexed question. I hope, after all the endeavours that have been made, there will be a unanimous attempt on this side of the House to settle the present strained relationship between the landlords and tenants, which is becoming more strained every day, on a basis which will be at once fair to the men whose capital is invested in the soil, and fair to the agriculturist, who is passing through a time of great trial. If the Government can so alter their Amendment as to bring the principle I advocate into working operation, I think it will relieve them of great difficulty, and bring about a better settlement than their proposal, or the Amendment moved to it, is likely to effect.

MR. CHAPLIN (Lincolnshire, Sleaford): It appears to me that the right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre) and the hon. Member for the Arfon Division of Carnarvonshire (Mr. Rathbone) have this object in view—they seek to provide for certain contingencies which have not yet arisen; whereas the object of the Bill is to meet and cope with an acknowledged evil—namely, the fall in prices since the fixing of judicial rents. It seems to me that if we are to adopt the advice of these hon. Gentlemen, we had better at once repeal the Act of 1881, because it would be importing into these proceedings an entire departure from the principle adopted in that Act. I am no admirer of the Act of 1881, of which I recollect that in bygone days I prophesied the complete failure on this particular point. But in existing circumstances it is impossible to put anything in place of that Act. I wish to remind the Committee that the two matters which the right hon. Gentleman and the hon. Member desire to be taken into consideration—namely, the amount of produce, and the effect and character of the seasons—were taken into account, once for all, by the Land Commission when the judicial rents were fixed. The Commissioners gauged at that time the quality of the land; and I presume they calculated for an average series of seasons. Now, it has not been alleged that the character of the seasons has changed in any material degree; and as regards the amount of produce, the largeness or smallness of the crops depends far more upon the industry and skill of the farmer than upon anything else as a general rule. I maintain that unquestionably the productiveness of the farm depends more on these qualities in the farmer than upon any other cause. The right hon. Gentleman opposite pointed out the possibility of bad yields during the next few years, and the effect of them on the prices of produce. That plea would have been perfectly valid some years ago, but it is not a good plea at the present time. The price of corn, for example, is regulated, not by the quantity produced in this country, but by the amount of foreign competition; it is regulated by the imports from America on the one hand and from India on the other. I have been loth to interfere with the judicial rents fixed under the Act of 1881 at all. What that Act did, and what the State said, in effect, at that time was this —"In reference to that Act, on grounds of high policy we are going to make a tremendous alteration in what have hitherto been held to be the rights of property in land; we are not going to allow you to fix the rents in future; we are going to fix them ourselves; we shall, practically, select your tenants for you, and when selected we are going to give them something like perpetuity of tenure." In fact, as the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) said on one occasion—"We are going to put the landlords in a position in which they will be mere rent-chargers on the land." This was an extraordinary interference with the rights of property; but in lieu of all this, and as some compensation for it, I suppose, the Government of the day promised the landlord two things: one was that whatever happened, as far as the State was concerned, there should be no further interference with their rents, and that if for any reason those rents were not paid their land should be restored. Now, I have always held that to be a valid and binding contract, a distinctly honourable obligation between the State on one hand and the landlords of Ireland on the other; and it is one to the setting aside of which I will never be a consenting party, unless either the consent of the landlords is obtained or something in the nature of an equivalent is given him instead. But there are two things which the Irish landlords and the Government should remember—first, that however much rents in Ireland have been lowered, in all probability rents in England have been lowered to a much greater extent; and, secondly, that the Government, from no fault of their own, are confronted with a situation from which there is no escape except with the greatest difficulty. I regard this clause not merely as a provision for the reduction of rent; there is this also to be borne in mind—that if from any unforeseen circumstance prices, happily, should rise again in future, then, as the hon. Member opposite says—for I understand him to agree with me—undoubtedly rents will rise also. The Government have, in fact, adopted a modified form of the sliding scale system; and as I consider that to that extent it does give something in the nature of an equivalent to the landlord I intend to support the clause, and I hope it will be carried in its present form.

MR. RATHBONE: It is evident that the Government do not see their way to the acceptance of my Amendment, and I will, therefore, ask leave to withdraw it. But I would urge on the right hon. Gentleman to consider between this and Report whether he cannot insert words in the clause which would enable the Committee, in case there should be such a great failure of crops as there was in 1847 and 1879, to prevent a difficulty arising similar to that we have now to deal with.

Amendment, by leave, *withdrawn.*

Amendment proposed to the proposed New Clause, in line 5, after the word "prices," insert the words "affecting agricultural."—(*Mr. Marum.*)

Question, "That those words be there inserted," put, and *agreed to.*

Amendment proposed to the proposed New Clause, in line 7, after the word "eighty," to leave out the word "seven," in order to substitute the word "six."—(*Mr. Mahony.*)

Question proposed, "That that word be there substituted."

MR. A. J. BALFOUR: As I understand the matter, the Commissioners are to take into account the prices at the date of application as compared with former prices. I am of opinion that this is the best plan, and venture to hope that the Amendment will not be pressed.

MR. DILLON (Mayo, E.): I wish to point out that the rents that will be payable on the next gale day before the passing of the Act are those accruing from November to May last, and that these were earned on the prices of 1886—not those of 1887. It is notorious that it is not until the end of the year that you can calculate the prices which have prevailed in the year. It will, therefore, be impossible for the Land Commission to say what are the prices for 1887 for the purpose of the clause.

THE PARLIAMENTARY UNDER SECRETARY FOR IRELAND (Colonel KING-HARMAN) (Kent, Isle of Thanet): I cannot quite agree that the Commissioners would not be able to get at the prices of 1887. But I should like to point out that the Amendment of the hon. Gentleman rather tells against the object he has in view, the prices this year being decidedly lower than they were last year.

MR. T. C. HARRINGTON (Dublin, Harbour): Everybody knows that the prices may be affected by circumstances which cannot be controlled; and it is exceedingly dangerous to judge of land on prices which may vary from day to day. To make a correct estimate you must have the average prices. We propose a standard that cannot be altered. Thus, in judging the rent on a gale day of 1886, you should consider the prices of 1886; and, in the same way, when you are judging the rent on on a gale day of 1887, you should consider the prices of 1887. I consider that our proposal is much more rational than that of the right hon. Gentleman.

MR. A. J. BALFOUR: According to the proposal of the hon. Member, it does not matter how low the prices may be this year; the tenant will have to pay on the higher prices of the preceding year. Practically, however, it is well known that if the Irish tenant pays his rent it is out of the profits of the year in which he pays it, and therefore I do not think we can take the prices from another year.

MR. MAURICE HEALY (Cork): I think the right hon. Gentleman is shutting his eyes to the fact that this clause is intended to affect rents becoming due on the 29th September; and, consequently, if the landlord is to be in a position to recover that rent on the 30th of September it will be absolutely necessary that the Land Commissioners should make their decision before that date. Our position is that the alteration in the rent must be made before the 29th of September; and, that being so, it will be impossible for the Commissioners to take into account the prices of produce. The prices will not have been fixed, because the farmer will not have sold his crops. To proceed on the plan proposed by the Government would amount to absolute injustice to the tenant, and hence we propose to them an Amendment which is necessary to make the clause work. As the clause at present stands, it will be absolutely impossible for the Commissioners to discharge their duties properly, because they must give their decision before the 29th of September.

MR. A. J. BALFOUR: I am perfectly aware of what is necessary to be done by the Commissioners under this clause, and the necessary preparations are being made to carry out what is intended. I do not think there will be any difficulty of the kind suggested.

Question put, and *negatived.*

MR. MAHONY (Meath, N.): I regard the next Amendment as being extremely important, and it is one which I trust my hon. Friends will press very strongly on the Government. My Amendment is intended to deal with a fallacy which the Government have introduced into this clause. The Government have proceeded on the idea that judicial rents in each year were fixed on the prices of that year. That is a most absurd contention on their part. If it is necessary, I can give the Committee numbers of instances in which the Commissioners testified before the Cowper Commission that they had fixed rents on the basis of the average price of a series of years. I have no desire to occupy the time of the Committee reading the evidence if it can be avoided. I merely make the statement that the average of a series of years was taken by the Commissioners; and I defy hon. Gentlemen opposite to point to a case in which a Commissioner said he was guided by the prices of any single year. It is, as I have said, the rents were fixed on the basis of the average price of a series of years. And that series carried the Commissioners back into some of the good years which came before 1879. Now, if you take the prices of the individual years on which the rents were fixed, and compare them with the prices at present, you do the tenants a gross injustice; because the rents were fixed on a series of much higher prices than that of the year in which they were fixed. With regard to the rents fixed in 1885, you will do the tenants the greatest injustice, because, although the prices then were very low, that fact made no impression whatever on the minds of the Land Commissioners. Up to August, 1885, the average reductions were 19 per cent; in the following three months they were about the same or slightly under that percentage. That clearly shows that the judicial rents fixed in 1885 were not fixed on a lower scale in consequence of the fall in prices. It is also perfectly clear, if you compare the judicial rent with the Government valuation, you will find that the change in the rents did not commence until 1886; and it is quite natural that it should be so, because the Land Commissioners, with a great pressure of work upon them, are unable to take into account the varying prices from time to time. But yet the Government propose to take it for granted that the rents fixed in January, 1885, were fixed on the prices of that year. That leads me to consider another absurdity on the part of the Government. Rents are fixed in January, February, and March of a given year, and yet the Government choose to lay it down that they are fixed on the basis of the prices of that year—that is to say, on the prices of the nine months following, which could not be the case. Now, the Amendment I am about to move proposes to leave the matter entirely in the hands of the Land Commissioners. If those Commissioners are fit to be entrusted with the responsibility of fixing the amount of rent, surely they ought to be trusted with the responsibility of finding out the basis on which those rents are to be fixed. My Amendment does no more than throw upon the Land Commissioners the onus of discovering that basis. I trust, therefore, it will be agreed to by the Government; and, in the other event, I shall be under the necessity of going at some length into the evidence given before the Cowper Commission in order to show that the position of the Government in this matter is utterly untenable.

Amendment proposed to the proposed New Clause,

In line 7, after the word "and," insert the words "the average prices for the respective series of years on which, after inquiry, they shall ascertain the judicial rents to have been based, in."—(*Mr. Mahony.*)

Question proposed, "That those words be there inserted."

Mr. A. J. BALFOUR: I certainly object strongly to the plan of the hon. Gentleman, which seeks to make a comparison between a single year on one side and an aggregate of years on the other. The Commissioners may, by the clause, compare the prices of 1887 with each of the years from 1881, and the hon. Gentleman wants to have that altered in the way described. If the hon. Member is going to substitute for 1882 another average year, it is clear that he ought to substitute another average year for 1887. I believe the Land Commission will not find themselves bound down in the manner supposed by the hon. Gentleman, seeing that the clause leaves them an equitable jurisdiction.

Sir GEORGE CAMPBELL: I agree that, instead of varying from year to year, you ought to take an average, say, of five years at one end and an average of five years at the other end. But the right hon. Gentleman does not propose to do that; he proposes to vary the rent from year to year up to 1889. That being so, I really think the Committee might well accept this Amendment, unless they see some practical difficulty in doing so, which I confess I do not.

Mr. MAURICE HEALY: I think the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell) has answered the arguments of the right hon. Gentleman the Chief Secretary for Ireland in a most unanswerable way. The right hon. Gentleman the Chief Secretary has treated this proposal as if it were one permanently varying the judicial rents. The excuse for the clause is that it is a temporary clause, and that the rents which the Land Commission fixed will be rents respecting 1886, 1887, 1888, and 1889. The principle the Government have is this—to adjust the prices in this year, next year, or hereafter, as the case may be, to the average of prices on which the judicial rents were fixed. That being so, you can only take into account the individual year, and it would be monstrously unjust to take anything else. With great respect to the right hon. Gentleman, I think I am quite right in saying that the Land Commission will have no such latitude under this clause as he says. The clause leaves the Land Commission no option; when they are dealing with rents fixed in 1881, they are bound to assume that the rents were fixed on the prices of 1881. There is no other mode of construing this clause; the clause is too plain and obvious. The clause says that the Land Commission is to—

> "Determine with reference to such counties unions, or other areas, what alteration, if any, ought equitably to be made in the judicial rents to become payable in such counties, unions, or areas, in respect of the year commencing from the gale day next before the passing of this Act, according as such judicfal rents were fixed in one or other of the years before the first day of January, 1886," &c.

That being so, it appears to me the Land Commission will have no option in this matter; they are bound to assume the rents fixed in 1881 were fixed on the 1881 prices, that the rents fixed in 1882 were on the 1882 prices, and so on. The right hon. Gentleman admits that that is unjust, having regard to the notorious fact, which has been proved, if anything has been proved, by the Cowper Commission, that rents were fixed in 1881, not on the prices of 1881, but on an average of prices of the 15 years before. That being so, are we to shut our eyes to the notorious facts, to the unanimous evidence of the Sub-Commissioners as to the principle on which they fixed the rents, and to assume that they fixed the rents on a totally different principle? I think the Government ought to deal with the real facts of the case. What is the good of introducing a clause which deals with the existing facts as if those facts did not exist? It is absurd to say you can settle this matter by assuming that the Sub-Commission has fixed rents on a basis on which they themselves declare they did not. I think the Amendment of my hon. Friend (Mr. Mahony) is an Amendment of most enormous importance; without some such Amendment the clause of the Government will become to a large extent a nullity. Therefore, I ask the right hon. Gentleman the Chief Secretary, who seems to take a fair view of the matter, who seems to desire that this clause shall deal with the difficulty which has arisen in an equitable manner, to reconsider his position, and reconsider this Amendment, which really goes to the root of the whole clause.

Mr. DILLON: I do not intend to occupy the time of the Committee more than a moment. It seems to me that the right hon. Gentleman the Chief Secretary was almost willing to give way to our proposal. He recognized that it was a fair one, and he attached a great deal of importance to it. Surely the only difficulty existing in his mind is absolutely removed by the fact that this is not a reduction of judicial rent, but only a temporary abatement.

Mr. CHANCE (Kilkenny, S.): It is perfectly evident that the Commission will be bound to consider the rent of one year alone, and I ask on what assumption this clause is drafted? It is perfectly obvious that no one proposes to lay down that the judicial rents fixed in 1881, 1882, 1883, 1884, or 1885, was necessarily a perfectly just and equitable rent for that year alone. The Commission never proposed to make the rent a perfectly just and equitable rent for one year. They did not propose the rent for one year. What they did say was this—

> "In arriving at this rent we have considered the average prices for a period of about 15 years; there are some high years and some low years; and we do so because the judicial rent will run for 15 years, and we assume that in the 15 years to come there will be high and low years."

That is the only intelligible basis on which we can assume they have fixed the rent. We find that Sub-Commissioner after Sub-Commissioner came before the Cowper Commission and stated, most conclusively, that was the basis on which the rents were fixed. What are we doing now? We have discovered there are certain very bad years; that exceptionally bad years have intervened; and we have, at least temporarily, to abandon the principle of fixing rents once and for all for a number of years. We have now to fix the rent, and quite another set of considerations come up. What are those considerations? Of course, a very natural consideration is the inability of the tenant to pay the rent, and there is an artificial consideration to be taken into account, and that is the rent fixed at any time. All rents ought to be fixed upon a comparison of prices. What you ought to compare is the prices on which the rent was fixed in 1881 and subsequent years with present prices. When you absolutely direct the Commission to compare the rent and revise it in reference to the prices in one year, 1881-2, and the prices in 1887-8, you direct them to proceed on an absolutely false basis. I do believe the right hon. Gentleman the Chief Secretary desires that this revision should be a satisfactory revision; but let me point out to him, and to the right hon. Gentleman the Member for the Sleaford Division of Lincolnshire (Mr. Chaplin), that the question of average does not apply to the rent we are now fixing. We are fixing the rent for one year only, and I appeal to the right hon. Gentleman the Chief Secretary to direct the Commission by this clause to proceed upon the lines of the Amendment of my hon. Friend. If this basis of settlement be refused, it is perfectly obvious that the abatement which will be given in some cases will be too small, and in others it may be too large, and you will have heart-burning and trouble and difficulty on the part of the tenants, and the whole object of this clause will be frustrated. We desire to make this clause effective. We do not ask the Government to depart from the real principle they laid down; and, therefore, I trust that they will see their way to yield to us on this point.

Mr. T. P. O'CONNOR (Liverpool, Scotland): We shall be perfectly satisfied if the right hon. Gentleman the Chief Secretary will carry out what he himself desires. I listened very attentively to what he said, and I understood him to say he thought the Commissioners were directed under the clause, as it stood, to do the very thing which is proposed by my hon. Friend (Mr. Mahony). I do not know whether I rightly interpret the right hon. Gentleman's words; but I must say that if the right hon. Gentleman thinks that the Commissioners ought to do what my hon. Friend proposes they should do, surely there is no harm in his acceptance of the words which we think are necessary for directing the Commissioners to do this. I venture to differ very respectfully from the right hon. Gentleman when he says that these words give no such direction to the Land Commissioners as we desire. The words of the clause, as they stand, direct the Commissioners to make a comparison of prices between one year now and the year in which the rent was fixed. I appeal to the right hon. Gentleman if that is fair? Is it fair to compare the prices of a single year now and of the single year in which the rent was fixed? I do not think anybody will say that is fair. Mr. Robert Reeves, giving evidence before the Land Commissioners, said, in answer to Sir James Caird—

> "The Sub-Commission in fixing the rent take into consideration the average of prices for 12 or 14 years back."

Anybody can see, therefore, that the rents of 1882 were not fixed on the prices of 1881, or those of 1881 fixed on the prices of 1880, or the rents of 1880 fixed on the prices of 1879; but that they were fixed on an average struck 12 or 14 years back. I ask the right hon. Gentleman, whether the prices were high or low, is it a logical or a just way of considering prices to make your comparison between a single year now and a rent fixed in 1881 on an average of the prices of 12 or 15 years previous? I wish also to point out to the right hon. Gentleman that he has opposed an Amendment recently proposed on the ground that the object of this clause was to give content and satisfaction to Ireland, and to produce tranquillity. I quite admit that is the object of the right hon. Gentleman, and I want him to carry out his object. But I ask him how can he hope to carry out his object when the basis of comparison is most unjust, and most inequitable to the tenant? The right hon. Gentleman knows very well what is the history of prices. The years from 1870 to 1878 were years of what would be now considered rather good prices. The fall began in 1879, and there has since been revolutionary fall in prices. It began in 1885. Your basis of comparison is started with the idea of giving tenants fair rents now; but your basis of comparison is between the prices now and the prices fixed on an average of years when prices were rather good. I cannot think that the right hon. Gentleman means to be unfair; but his language is perfectly clear and unmistakable. He does not object to the proposal of my hon. Friend (Mr. Mahony), except on the ground which, I think, has since been removed by the remarks of the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell). He only objected to the proposal of my hon. Friend because, in his opinion, it was unnecessary. We say it is absolutely necessary; we say the words of the clause do not carry out what the right hon. Gentleman desires, and that there can be no argument against the insertion of words to make more clear the meaning of the clause.

MR. A. J. BALFOUR: I am afraid the imperfections in the relief scheme we have presented are not such as can be removed by an Amendment of this kind. The hon. Gentleman has pointed out that some of the Land Commissioners took the prices of 15 years preceding when they fixed the rents. I presume that they took more than that into account; they must have taken into account not only the prices, but the yield and other circumstances. They were not limited to a consideration of prices; but they took into account a vast number of other circumstances, and for that reason alone it is not proper to simply take out of the calculation a certain number of considerations. But there is another point which ought to be taken into account. What is the argument on which hon. Gentlemen have relied over and over again to induce us to take so gigantic a step—namely, that of interfering or remodelling, even to the smallest extent, the judicial rents of 1881? They say there has been a fall in prices amounting, I think, to 20 per cent. If hon. Members are going to take the prices of 15 years, the comparison will be between 15 years ending with 1883 and 15 years ending with the year 1885. But the large number of years in those two periods are years common to both; therefore, without trying to work it out in arithmetical detail, it is obvious the fall between the two periods cannot be so great as between the individual years of 1882 and 1885, when hon. Gentlemen tell us the fall in prices was so great.

MR. R. T. REID (Dumfries, &c.): If the statement of the right hon. Gentleman the Chief Secretary is final, there is hardly any use in saying more; but I should like to say a few words upon this matter. The right hon. Gentleman must feel that as the clause stands it is not likely to work properly. For example, three farms may lie together, and be identical in condition to which the rent was fixed in 1882, 1883, and 1884 respectively. According to his clause, it may well be that the abatement will be different in respect to each of these farms; not because there is any difference in the condition at the present time, but because there is a difference in the prices now and in the year in which the rents were fixed. I recollect that when the original Land Act of 1881 was proposed, it was intended that when a fair rent was to be fixed the Commissioners should have regard to particular considerations certified. Mr. Macnaghten —now Lord Macnaghten — suggested that it would be better to leave the Commissioners to decide what was a fair rent under all circumstances; and he pointed out that to fetter the discretion of the Commissioners by an arbitrary and hard-and-fast rule would tend to produce injustice. I cannot help thinking the right hon. Gentleman the Chief Secretary has endeavoured in his clause—the good intentions of which I fully recognize—to be too precise in framing the particular standard by which the Commissioners shall act in making the abatement. If he is not willing to accept the Amendment of the hon. Member for North Meath (Mr. Mahony), I suggest that, if possible, it may be competent for the Government to leave the matter to the discretion of the Commissioners—to say that the Commissioners shall have power to say what abatement ought equitably to be made, having regard to the differences in prices. That would get rid of the arbitrary and inconvenient standard by which the right hon. Gentleman, in endeavouring to be too precise, has imperilled the utility of the clause.

MR. MAHONY: I did not intend to introduce into this debate the element of produce; but the right hon. Gentleman the Chief Secretary has dragged it in.

The right hon. Gentleman says that this is not a perfect system of remodelling rents, because the element of produce was taken into consideration on the first occasion. Let me refer to the words of the Cowper Commission. They say that the fall in prices during the last two years was intensified in its effect by the gradual deterioration which has been going on in the quality of the produce of the soil; so that if we take into account the element of produce the tenant ought to get a greater reduction than we are asking for. The right hon. Gentleman the Chief Secretary has said nothing whatever in answer to my statement that under the clause, as it at present stands, the unfortunate tenants who had their rents fixed in 1885 will get no reduction at all. As a matter of fact, the tenants in some districts may have their rents slightly increased. It must be perfectly clear to the right hon. Gentleman the Chief Secretary himself—though, unfortunately, he does not appear to know much about Irish matters—that the rent fixed in the first half of the year 1885 cannot possibly have been based on the prices of 1885, because those prices were not known; and yet in spite of that the right hon. Gentleman wants us to accept the clause which, I maintain, will have the effect in some districts of actually raising the rent fixed in 1885. The fall in prices began in 1885, and it did not affect the Commissioners in any way in fixing the rents of that year. I do not want to take up the time of the Committee in arguing this point over again; but it must be plain to every man who studies the question that the moment we get into 1886 we find a very substantial change. The argument of the right hon. Gentleman the Chief Secretary would be valid if we were proposing to alter the judicial term, if he were going to substitute the judicial term of five years as the Cowper Commission recommended. But, in place af adopting the recommendation of the Commission, he proposes to deal with this matter as a temporary difficulty. Now, I suggest, as a compromise, that the right hon. Gentleman should not tie the Commissioners down to the prices of any individual year, but should simply say the prices of 1879, 1888, and 1889, as compared with the scale of prices on which the judicial rents mentioned were based, and leave it to the Commissioners to ascertain, as far as they can, what that scale of prices was. I do not want to drive the Chief Commissioner into a corner; but I believe, as a matter of fact, the real reason which actuates the right hon. Gentleman the Chief Secretary is that he has been in correspondence with the Chief Commissioner, who has told me that it is not possible to ascertain the scale of prices on which the rents were fixed. I dare say there will be difficulty in ascertaining the scale on which the judicial rents were fixed. I am quite aware, judging from the evidence in the Blue Books, that various Commissioners appear to have adopted a different series of years—that some went back further than others. Mr. Robert Reeves went back 13 years, and that may account for the extraordinary judicial rents fixed at Bodyke. Other Commissioners, perhaps, took into account a similar series of years. Let the right hon. Gentleman the Chief Secretary ascertain, as far as he can, what each Commission did. I suggest that the Chief Secretary should consider this matter carefully and bring forward some Amendment, substituting the prices of a series of years for the prices of each individual year. I ask him to consider this matter, otherwise we must carry on the debate, because, as the clause stands, the tenants who had their rents fixed in 1885 will get no relief whatever.

Colonel WARING (Down, N.): There is one difficulty which presents itself to my mind. By what means will you ascertain the series of years on which the reductions were fixed by the landlords who voluntarily agreed with their tenants and had their claims registered in Court?

Mr. DILLON: I do not think there is any force in the remarks of the hon. and gallant Gentleman, because the landlords who agreed with their tenants were guided by what happened in Court.

Colonel WARING: That is not so, because I, for instance, was guided by my sense of justice.

Mr. DILLON: The hon. and gallant Gentleman is an exception to the rule. To come to the point at issue, let me say it is really one of most earnest and vital importance. It affects the entire question of how this clause is going to work in Ireland. What will be the result if the clause is passed in its present shape; how will it work? There cannot be a shadow of doubt in the mind of any person who reads the Blue Books that whatever was the guiding principle of the Commissioners from the years 1881 to 1885 it was an unfair one. Now, take the case of a number of farms. Some got their rents fixed in 1881, some in 1882, some in 1883, some in 1884, and some in 1885. Judicial rents were fixed; whatever the scale proceeded upon was, it was the same scale in all these years. Suppose a man got his rent fixed in 1882, he will get 20 per cent reduction; but a man who got his rent fixed in 1885 will get nothing at all off his rent; indeed, it is possible his rent will be slightly increased. Is there any kind of justice in that? We are strongly of opinion that this clause will work in such a way as to do most grotesque injustice to the people of Ireland. The Irish Land Commissioners must have had in their view some equality of prices; that scale of prices was plainly unaltered during all the years from 1881 to 1885. Let us ascertain what that scale of prices was, and when you make this temporary abatement, order that scale to be the comparison of the scale on which the Commissioners acted with the scale of the present year. No other system will prevent grotesque injustice being done to the various classes. My hon. Friends are quite willing to remove all the words from the Amendment which will fetter the clause. Let us leave it to the Commissioners to say what was the scale of prices upon which the Commissioners acted in 1881 and 1885, and in fixing this temporary abatement to compare that scale of prices which was intolerable with the prices of the present year. If this is done, this clause, whatever amount of relief it gives, will give it equally and fairly.

MR. A. J. BALFOUR: I am unwilling to prolong this debate; but if hon. Gentlemen want to have a comparison, they ought to make it between the scale of prices which obtained during the 15 years ending 1882 and the 15 years ending 1887. If you make such a comparison, I believe it will be far less favourable to the tenant than what is now proposed to be done. I think that to take the isolated year 1887 and compare it with a series of years would be grossly unfair. If hon. Gentlemen prefer the other system, I will consider before Report whether it can be adopted in view of the applications which would arise. At all events, there will not be inherent injustice in comparing the series, 1882, 1883, and 1884, with the series of 15 years ending 1887.

MR. CHANCE: The assumption upon which the series of years was taken in fixing the judicial rent was that the judicial rent was to run for 15 years. If we were now making a permanent revision it would be clearly just to take as the basis of that permanent revision prices for a series of years ending 1888 and 1889, &c. That is not what we are doing at all; we are merely dealing with a reduction for one year. It is found that the tenants cannot stand a series of bad years in the hope of a series of good years. We feel that the rents of 1882 were fixed on a series of years which included some good years. The average of prices for that series of years was considerably greater than the average of prices in the year 1882 alone. The farmer cannot pay the rent with a small reduction now, in the hope of being called upon to pay with a large reduction afterwards. You must give him the full benefit of the reduction in prices and the full benefit of agricultural depression.

MR. MAURICE HEALY: The right hon. Gentleman the Chief Secretary for Ireland has somewhat changed his line of argument. When he first rose to reply to this Amendment he told us we were mistaken in our facts; he told us we were mistaken in thinking that the Land Commissioners would be bound to take the basis of 1882 as the basis of comparison. In his subsequent speeches, however, he has changed his argument. The offer he has made is perfectly illusory, and I would prefer the clause as it stands to any alteration in the sense in which the right hon. Gentleman says he is prepared to consider it. I take this view for the reason which was very conclusively stated by the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell) earlier in the discussion. What you want to do is not to find a rent which shall be a fair rent for a series of years, but a fair rent which will be a fair rent for one year. That being so, any consideration of averages is entirely out of the question. You must consider the question of averages when you are dealing with the rents of 1881 or 1882, because those rents were fixed on an average; it is only because they were fixed on an average that the question of average comes in. If you were now fixing a rent for a period of 15 years, it would be a fair thing to insist that if you take an average in one case you must take it in another case. We have arrived at the year 1886, and, having regard to the change in prices, we have to find what proportion a fair rent for 1886 would bear to the judicial rents fixed in 1882. To find that, Sir, it is necessary to ascertain on what principle the rent for 1882 was fixed. The real way to test this question is to ascertain how it would operate, say, in the case of the rents fixed in 1885. I maintain that if the right hon. Gentleman persists in this clause, as it is at present framed, we shall be compelled to exclude the rents fixed in the year 1885 from its operation; because, although the rents fixed in 1885 were not affected by the fall in prices, the fall in prices will affect their re-adjustment. There has been no change in prices between 1885 and the present time; and, consequently, the result of bringing the rents fixed in 1885 under the operation of this clause would be that the tenant who got his rent fixed in 1885 would get no benefit from this clause, although his rent, when fixed, was not fixed with reference to the prices of 1885 at all. This being so, if the right hon. Gentleman persists in the line he has taken up, it will be necessary for us to consider whether we ought not to exclude the rents of 1885 from the operation of the clause.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I wish to appeal to hon. Gentlemen. They have stated their case clearly and repeatedly; and I venture to say that the Committee ought now to come to a decision upon this clause. I do not wish to stand in the way of legitimate discussion; but it is evident that too much attention may be given to one subject and too little to another.

MR. T. P. O'CONNOR: In answer to the appeal of the right hon. Gentleman, let me say we certainly are most desirous to conclude the present stage of this Bill, and several of us showed this desire by abstaining from speaking upon the question which engaged the attention of the House at the commencement. The reason we have dilated upon this Amendment is that, in our opinion, this is a capital Amendment—one affecting the working of this Bill and this clause for good or evil. Under circumstances like these, I think we are justified in appealing to the right hon. Gentleman to try and meet us, so as to remove the difficulty which we think stands in the way of that success of the clause which, I have no doubt, the right hon. Gentleman wishes it to achieve. Unless some Amendment is accepted by the Government to meet our views in this matter, we believe that the clause for the reduction of the rents will be nugatory, and, in some cases, even prejudicial. Under circumstances like these, I think the right hon. Gentleman the First Lord of the Treasury will fairly recognize we are justified in pressing for attention upon this clause. I do not want to repeat our arguments. I regret that the right hon. Gentleman the Chief Secretary should have shifted his position as often as he has spoken, and, in place of making progress, has rather gone backwards. Nothing can be fairer than his first speech, which was practically an acceptance of our Amendment, followed by an expression of opinion that the Amendment was unnecessary, because the clause carried out our intentions. I ask the right hon. Gentleman to be true to his first position, and to make the clause carry out the object which he admits to be beneficent. We are strongly of opinion that unless the clause is amended in some such way as we propose, the rents of 1885, instead of being reduced, will, in some cases, be subjected to an increase, inflicting injustice upon the tenants. I trust the Government will meet our views in this matter. We are anxious to see this stage of the Bill brought to a conclusion; and I assure the right hon. Gentleman the First Lord of the Treasury that the amount of attention which has been bestowed upon this Amendment has been solely caused by the enormous amount of importance attaching to this Amendment.

MR. T. W. RUSSELL (Tyrone, S.): I have hitherto abstained from taking part in this discussion. My sympathies are entirely with the hon. Gentleman the Member for North Meath (Mr. Mahony); and I only rise now for the purpose of asking the Government if they could not get rid of this stage of the Bill to-day by consenting to reconsider the whole position on Report?

MR. A. J. BALFOUR: I have no objection to reconsider the matter on Report; but let me add that, in my opinion, there is no answer to the arguments I have laid before the Committee. While I am prepared to reconsider the matter, I do not think it probable that the reconsideration will lead to any favourable result.

MR. MAHONY: I have no intention to go again through the arguments the right hon. Gentleman the Chief Secretary thinks he has answered fully; and I merely rise for the purpose of making a definite offer of compromise, which I think, according to the right hon. Gentleman's own theories, he would consider to be fair. He considers it necessary to compare one individual year with another; and the offer I make is that the rent should be influenced by the prices of the previous year—that is to say, the rents of 1881 should be taken on the fixed prices of 1880, the rents of 1882 on the prices of 1881, the rents of 1883 on the prices of 1882, the rents of 1884 on the prices of 1883, and the rents of 1885 on the prices of 1884. That will be comparing one year with another year. I am bound to say I do not at all like the compromise. I think it will do injustice; and I only make the suggestion because the Government have been so obdurate.

THE CHAIRMAN: Does the hon. Gentleman press his Amendment?

MR. T. P. O'CONNOR: I think the Government ought to make some answer to the observations recently addressed to the Committee.

MR. T. C. HARRINGTON: I think it is desirable we should have some reply from the right hon. Gentleman the Chief Secretary. He seems to have made up his mind to hold fast by the terms of his proposal; and though he said himself that the arguments he put forward are unanswerable, I contend that he has answered all his arguments himself, because he has changed his ground so often. If there was anything plainly established by the evidence given before the Cowper Commission, it is this—that the rents fixed in 1881 were not fixed upon the prices of 1881; and the Commissioners themselves have said in their evidence that when they knew there was a fall in prices they regarded it as of a temporary character, and they fixed the rents with a view to there being an increase in prices in a short time. The compromise suggested by my hon. Friend (Mr. Mahony) is not one with which I am very much in love; but, at the same time, it is something of an advantage, because it would, at all events, relieve us of the difficulty of the case of men whose rents were fixed in the year 1885 being able to get no concession or relief at all. Undoubtedly, whatever the standard on which the Commissioners proceeded was, it was the same for 1881 as for 1885. If you are going to tie a man down, who got his rent fixed in 1885, at the standard you suggest, if you are to have him judged by the prices in 1885, there is no chance for him of any relief under this Bill. We propose to give him some chance of relief by throwing the comparison of the prices back one year. By doing that, we, at least, give some opportunity to a man whose rent was fixed in 1885 to get a temporary abatement.

MR. DILLON: If the Government do not see their way to meet us in this matter, which we consider vital, it will be necessary for us to divide the Committee.

Question put.

The Committee *divided:*—Ayes 126; Noes 178: Majority 52.—(Div. List, No. 349.) [4.20 P.M.]

MR. MAURICE HEALY: I beg to move to omit the words, "ought equitably to be made," in line 12, and insert, "is necessary to make." I move this Amendment for the purpose of raising a very important point. The Government have made what appears to me a very grave change in the form of this clause since it was first put down upon the Paper. Originally, the clause directed the Land Commissioners to ascertain what alterations it was necessary to make in order to make the judicial rents fixed in the year 1882 equitably equivalent to what ought to be the judicial rents if they were fixed now. In the altered form of the clause, instead of laying down a plain rule of that kind for the guidance of the Land Commissioners, the Government merely give the Land Commissioners general directions. In my view, the original framing of the clause was the better one, because the Land Commissioners were directed to find out the prices, and then make such changes in the rents as were necessary. I desire to put the clause back into the form in which the Government originally drew it. If my present Amendment is accepted, it will be necessary for me to move the consequential Amendment carrying out this Amendment, and bringing back the clause to its original form.

Amendment proposed to the proposed New Clause, in line 12, to leave out the words "ought equitably to be made," and insert the words "is necessary to be made."—(*Mr. Maurice Healy.*)

Question proposed, "That the words proposed to be left out stand part of the proposed New Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I confess I think the present form of the clause does enable the Commissioners to exercise their powers with greater freedom than the clause did as originally drawn. The words were—

> "What alteration having regard to the fall in prices is necessary to make the rents equitably equivalent."

That appears to be a much narrower expression than the expression now on the Paper—

> "Having regard to the difference in prices. . . . what alteration, if any, ought equitably to be made."

I think the present form of drafting is much wider and a great deal more elastic than the former phraseology.

MR. MAURICE HEALY: No doubt the alteration has been made with the best intentions; but, in my opinion, the change will have an injurious effect. I quite admit that the clause, as it is at present drawn, is more elastic; but I deny that that is an advantage. In point of principle, it is a great deal better that this elasticity should not exist. As the clause was originally drawn, the Land Commissioners were directed to make a mathematical calculation, and to give the tenants the benefit of that calculation. That was the result of the clause as originally drawn, and that is the form the clause ought to take. My view is that the result of elasticity, which the right hon. Gentleman thinks is such an advantage, will be that it will be open to the Land Commissioners not to give the tenant all the benefit which they would get if that was left a mere matter of calculation. It will be open for the Land Commissioners to say—"In our opinion, having regard to the fact that this change in prices is only a temporary change, and having regard to all the circumstances of the case, we do not think it would be equitable to cut down the rent to the full extent." If this elasticity will hurt the tenant in this way I do not think it is an advantage. The change in the clause can do the tenant no good. That is perfectly clear. The elasticity is not an elasticity which can be exercised in the tenant's favour, because under the clause as drawn the tenant cannot possibly get a bit more than he could have got under the clause as originally drawn; but the elasticity is an elasticity which may be exercised in the landlord's favour, because it is possible the effect of the change in the clause may be that the Land Commissioners will say—"We will not give the tenant the full benefit of the changes in prices, because we are of opinion it will not be equitable so to do." I trust the Government will revert to the original form of the clause, which to me appears better calculated to carry out the objects the Government profess to have in view.

Question put, and *agreed to.*

MR. MAHONY: The two Amendments which stand in my name are intended to put back the date. The reason why I move these Amendments is this. We originally anticipated that Clause 22 would be solely modelled as to deal with the question of unjust arrears. In that expectation we have been bitterly disappointed. I propose that in cases where the Land Commissioners actually reduced the rent so as to show they have been too high the reduction should date back. There is one thing I wish to point out to the Committee, and it is that, apart altogether from the application of the hanging gale, it is the usual practice for rents to be paid three, four, five, and six months after they are due, so this Amendment will not have the effect of dating back so far as it appears at first. The clause, as it stands, will only affect rents legally payable on the 29th of

September next, and which, according to common practice in Ireland, will not become payable until next spring. The tenants, as a rule, are now being called upon to pay rents due last spring. This clause will not affect these rents at all. Under this clause they will, after this House rises, have to pay rents which the Land Commissioners have declared to be unjust and excessive. Then there is another reason why I am anxious to press this Amendment. If the Government had taken the advice of the hon. Gentleman the Member for Cork (Mr. Parnell), if they had paid attention to his speech in which he brought this matter under the consideration of the House last autumn, these rents would have been reduced. Practically, the effect of this Amendment will be to include those people who would have been relieved had this House paid attention to the recommendations of the hon. Member for Cork. They then argued against his assertion, but his assertion has since been abundantly proved.

Amendment proposed to the proposed New Clause, in line 14, after the word "the," insert the word "first."—(*Mr. Mahony.*)

Question proposed, "That the word 'first' be there inserted."

Mr. GIBSON: The rent payable on the 29th of September next will be the first rent which will be actually payable in the three years during which this process of abatement will run, will commence on the 25th of March, 1887, and expire on the 25th of March, 1890. The proposal of the hon. Gentleman is to antedate the process by exactly one year, and make the three years run from the 25th March, 1886, to the 25th March, 1889. That is a proposal we are not in a position to accept. I think we have gone as far as it is possible for any Government to go, and I think the hon. Gentleman will be satisfied with having brought the matter before the notice of the Committee.

Mr. T. W. RUSSELL: I should like to ask the hon. Member for North Meath (Mr. Mahony) how his proposal will affect those who have paid their rents?

Mr. DILLON: Anyone can see the force of that argument, and I ask my hon. Friend to withdraw his Amendment. I trust, however, that the Government will consider the question of the hanging gale. Over great portions of the South and West of Ireland the rents, which accrue due in respect of the half-year, are payable in September. I believe that practically it will make very little difference with regard to law and order whether the Government consent to consider the matter or not. As soon as you get your Commissioners out, where will you get the tenants to pay on the old scale? There will be a universal federation in Ireland not to pay on the old scale. I suggest that by the introduction of some slight amendment dealing with the hanging gale, by the introduction, say, of the words "ordinarily payable," you might avoid what will otherwise be brought about by a general confederation.

Mr. MAHONY: I beg to ask leave to withdraw my Amendment; but, at the same time, I desire to ask the Government whether they cannot consent to go six months further back, so as to include the rents ordinarily payable in Ireland now.

Amendment, by leave, *withdrawn.*

Mr. MARUM (Kilkenny, N.): The final words of the second paragraph of the clause of the right hon. Gentleman are—

> "And the judicial rents payable in respect of the year aforesaid in such counties, unions, or areas shall be varied to the extent so determined by the Land Commission."

These words are manifestly crude and imperfect. They simply show that the rents shall be varied, but the words do not go on to discharge the rent in any way. The rent must be discharged, and I have put upon the Paper a proposition to add after the word "Commission," in line 19, the words—

> "And, upon the publication of the orders hereinafter mentioned, shall be deemed to be so varied as and from the said gale days respectively, and to be payable in full discharge and satisfaction of the judicial rents theretofore fixed for such gale days, and all rights, remedies, and incidents existing in reference to such judicial rents, both as to landlord and tenant, shall thenceforth attach to such varied rents accordingly."

I thought if the rent was discharged in that form, it would be equitable to give to the landlord the same remedies for the substituted rent as the previous rent. But, however, since I put my Amendment on the Paper, I find that two Amendments have been suggested by the hon. and learned Serjeant the

Member for the University of Dublin (Mr. Serjeant Madden) dealing with the matter. I shall not move my Amendment if the hon. and learned Serjeant intends to move his. I have no desire to prevent the landlord having the right of proper redress. I should like to hear the views of the Government upon this matter; and, therefore, I will, *pro formâ*, move the Amendment which stands in my name.

Amendment proposed to the proposed New Clause,

In line 19, after the word "Commission," insert the words "and upon the publication of the order hereinafter mentioned, shall be deemed to be so varied as and from the said gale days respectively; and to be payable in full discharge and satisfaction of the judicial rents theretofore fixed for such gale days, and all rights, remedies, and incidents existing in reference to such judicial rents, both as to landlord and tenant, shall thenceforth attach to such varied rents accordingly."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton) (who was inaudible) was understood to object to the Amendment.

MR. MAURICE HEALY (Cork): It is not at all clear to me that difficulties might not arise on the clause, as it is drawn, as to the proof of the publication. Suppose that an order has been made by the Commission, and the landlord sues for the full rent. If the cause is to be tried in Dublin, it would be very simple to bring over the original order of the Commission; but in the ordinary case, where a man is sued for rent, he could not put on record at once the receipt of this order of the Land Commissioners, and he would have to incur great expense in going to Dublin. If I were advising a tenant as to his proofs in such an action, I should be found to include that order amongst them. I would ask the right hon. and learned Gentleman whether he could not agree that these orders should be published in *The Dublin Gazette*, and that such publication should be evidence of the order? I do not know whether the right hon. and learned Gentleman has given his attention to this matter. This seems to me to be a very necessary precaution in the matter—that is to say, to provide for the publication in *The Dublin Gazette*, and to make that publication evidence of the order. Will the right hon. and learned Gentleman do that?

THE CHAIRMAN: I did not put the Amendment of the hon. Member for Kilkenny, because I did not understand that he wished to move it

MR. MARUM: I beg leave to withdraw this Amendment.

Amendment, by leave, *withdrawn.*

MR. SERJEANT MADDEN (Dublin University): The object of the first of the Amendments that stand in my name is to add to the first paragraph of the new clause the words—

"As regards any gale of such rents which shall be paid within thirty days of the time at which the same is ordinarily payable, but not further or otherwise."

The object of this Amendment is to place the compulsory abatements of rent under the clause in the same position as abatements given ordinarily by landlords or by Judges, which, in my experience, always contain some provision for reasonably punctual payment. We have been told over and over again that this clause is not a clause for the reduction, but for the temporary adjustment or abatement of rent. Now, I give the Government credit for this—that when they use that expression they mean to follow it out fairly and consistently, and do not hold it out to the Irish landlord as a mere phrase. What is the essential difference, having regard to my proposal, between the reduction of rent and the temporary adjustment or abatement of it? If you reduce rent you reduce it to all intents and purposes, a new rent being substituted for the old one. It is recoverable in the same way; it is accepted in the same way, and is payable at the same time. But if you abate the rent temporarily in consequence of a fall in prices, it is certainly usual to make provision for the payment of the abated rent within a reasonable time. I am not wedded to the words of this Amendment, nor to the exact period of time within which the rent should be paid; but I do press upon the Government, and I do hope, even if they are not in a position to accept the Amendment in its present form, that they will, between now and the Report stage, consider whether there cannot be some security given to the landlord that this abated rent should be paid, not perhaps years afterwards, but within a reasonable time. We have been told that clauses like this are intended to make bad landlords do compulsorily what good landlords do voluntarily. Well, what does a good landlord do when he acts voluntarily in this matter? Usually, when he gives an abatement, he takes care that the tenant pays his rent within a given time. There is no hardship in that—there will be no hardship under this section; because what you are doing is this—you are fixing the rent at a sum the tenant can pay. Why should he, then, not pay within a reasonable time? If you make a compulsory abatement, it holds good with regard to all landlords. You put the good landlord in a position he was never in before, because you deprive him of any power of making terms as regards punctual payment. I looked at the Bill introduced last year by the hon. Member for the City of Cork (Mr. Parnell), and I find that in that measure there was a possibility of a provision of this kind being introduced, and that in this point of view—and I call the attention of the Government particularly to this—if they adopt this Bill in its present form there will be found in it an infirmity which the measure of the hon. Member for Cork did not contain. I will tell the Committee what I mean. The mode in which the abatement was given by the hon. Member for Cork was this—certain conditions being provided, it was laid down that the Court might make an order for such abatement of rent as might seem to them just and expedient. Therefore the Land Commission would have had it in its own hands, when making abatements, to provide as to the time within which the rent so abated should be paid; and I may add that the learned Judges, the Judges of the Chancery Division, who, during the past few years, have been constantly in the habit of making temporary abatements of rent, always, as a part of their order, define the time at which the rent should be paid. Now, the Land Commission, acting under the Bill of the hon. Member for Cork of last year, if it had become law, would have made, as part of their orders, a definition of the time at which the rent should be paid. But what I want to call particular attention to—I do not say in the interests of the landlord, but in the interests of fair play—is that you are adopting a different system in your Bill. You have adopted the system of an automatic abatement apart from any judicial action at all. There is no power in any Court to say—"This abatement shall not hold good unless the rent is paid within a reasonable time." Unless you adopt my proposal you will make an automatic hard-and-fast abatement, and whether the rents are paid in a reasonable time or not for two or three years it operates in just the same manner. I hope the Government will consider this matter very carefully between this time and Report. You, by depriving this abatement of its voluntary character, take away from it the grace of a concession. You deprive the good landlord of all claim for gratitude or regard. That, however, is a necessary consequence of legislative interference between landlord and tenant. But I would ask the Government not to carry their interference further, and not to introduce an additional element of hardship—I would ask them to provide that, if an abatement is given, the usual provision for punctual payment, which is excluded by the hard-and-fast automatic operation of this clause, shall, in some way or other, be introduced into the measure.

Amendment proposed to the proposed New Clause,

In line 19, after the word "Commission,' insert the words "as regards any gale of such rents as shall be paid within thirty days of the time at which the same is ordinarily payable, but not further or otherwise."—(*Mr. Serjeant Madden.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): No doubt, my hon. and learned Friend has made out a very good case for his Amendment on the Paper; at any rate, he laid before us very strong reasons in justification of his having put that Amendment down. There is, however, one objection to it which I think has already been urged with regard to previous Amendments by hon. Gentlemen from Ireland—namely, that these words will be held as an ambiguity in the particular provision to which my hon. and learned Friend draws attention.

An hon. MEMBER: If his Proviso were adopted.

Mr. A. J. BALFOUR: On this occasion I would ask my hon. and learned Friend not to press the Amendment, for which, no doubt, there is a great deal to be said. We are very anxious to make progress, and the Amendment is one which would meet with strenuous opposition from hon. Gentlemen opposite. I have been compelled to resist certain Amendments which those hon. Members have moved in the interests of the tenants, and I should be unwilling to prolong the proceedings by consenting to such an Amendment as this in the interests of the other side.

Mr. Serjeant MADDEN: I do not think the Government can complain of the amount of time which has been consumed in the discussion of proposals brought forward, I will not say in the interests of the landlords, but for the purpose of protecting their just rights. But having regard to the state of Public Business, and the opposition which this Amendment is likely to encounter from the other side, and also to the impossibility of carrying it without the assistance of Her Majesty's Government, I do not think I should be justified in occupying further the time of the Committee by pressing it forward. I will, therefore, withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Mr. MAHONY (Meath, N.): I beg to move the second Amendment which stands in my name.

Amendment proposed to the proposed New Clause,

In line 34, at end, insert "The Land Commission, in ascertaining the average price of butter in a year, shall, as far as practicable, take into account the amount produced during each month, as well as the price during each month of that year, so as not to give undue effect to the price of any particular month."—(*Mr. Mahony.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Gibson) (Dublin University): It would be impossible for the Government to accept this Amendment, as it would lead to great embarrassment if we were to give the Land Commission instructions such as this.

Mr. MAHONY: I withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Mr. Serjeant MADDEN (Dublin University): I have, Sir, an Amendment, not on the Paper, at the conclusion of the New Clause.

Mr. MAHONY: I have one before that. My original Amendment was as follows:—In line 36, after "section," to insert—

> "And shall also publish the respective average prices, and the respective series of years on which they have ascertained the judicial rents to have been respectively based in each of the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, and one thousand eight hundred and eighty-five in the respective districts, together with the average prices in each district on which the alteration, if any, in the judicial rents has been calculated."

This Amendment, I know, is not admissible, but I will move this part of it—"On which the alteration, if any, in the judicial rents has been calculated." I think many will sympathize with the object of this Amendment. That object is that the public will be given to understand the principles and bases upon which the Land Commissioners act. Under this Amendment, we shall be given to understand on what principle the Commissioners are arriving at their decisions—we shall know whether they are directed to arrive at their decisions by certain average prices of different years. It is desirable that we should know more about these bases. They must know themselves the bases upon which they act, for they have them written out before them. I would ask that they should have these principles printed and made public.

Amendment proposed, to the proposed New Clause, in line 33, after the word "section" to insert "on which the alteration, if any, in the judicial rents has been calculated."—(*Mr. Mahony.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Gibson) (Liverpool, Walton): I think it would be very undesirable to accept such an Amendment as this, requiring the Commissioners to declare the considerations by which they are guided, looking at the nature of the work in which they will be engaged. It seems to me that it would be very embarrassing to them to have to publish the nature of the plan upon which they proceeded in each district. It would be highly inconvenient. With regard to what fell from the hon. Member opposite as to the publication of the orders of the Commission, those orders of the Land Commission, of course, would deal with large districts and large areas —with counties, baronies, and Poor Law Unions, or whatever district it might be thought desirable to decide upon. Well, such forms as are considered calculated to give information will be published, although the expenses of so doing must be very great. I do not say that the publication will be in *The Dublin Gazette* only. The Land Commission must have a wide discretion in the matter, and we must trust to their great knowledge with regard to such things. When they publish the orders in the prescribed manner that will be evidence of them.

Mr. O'DOHERTY (Donegal, N.): I think that a copy of the order should be lodged with the Clerk of the Peace in all cases. It will then always be before the Court.

Mr. GIBSON: I think there is no doubt that that will be attended to.

Mr. MAURICE HEALY: Do I understand the right hon. and learned Gentleman to say that he will move an Amendment to that effect on Report, or that he will move one now?

Mr. GIBSON: I think it will be better to move it on Report.

The CHAIRMAN: Does the hon. Member for North Meath withdraw his Amendment?

Mr. MAHONY: No, Sir. Hon. Gentlemen opposite during the past few years have been crying out that they do not know on what bases or principle the Land Commissioners are making their decisions. They have been complaining bitterly of lack of information. They have declared that the Land Commissioners arrive at rents by different processes in different years and different places, and they have risen to ask over and over again that those processes should be made known, and over and over again they have been told that it would be inconvenient to give any statement upon these matters. If those hon. Gentlemen now oppose my Amendment, if they choose to put themselves in such an inconsistent position, it is their own affair, and not mine—at any rate, I will be no party to the course they seem anxious to adopt, and I must refuse to withdraw my Amendment.

Mr. CHANNING (Northampton, E.): Everyone who has read and considered the very important evidence given before the Select Committee appointed by the House of Lords to inquire into the working of the Land Act of 1881 must be aware that very strong objection was taken by the witnesses examined by that Committee to there being no means of ascertaining the principle upon which the Commissioners arrived at their decisions. It was very generally alleged that there was no evidence that the Commissioners took account of the state of prices, and that they decided on the rents by an arbitrary process or rule of thumb. And this complaint came from representatives of both sides. Well, I think it would tend to promote harmony and a more settled feeling in Ireland, if it could be clearly known on what tables of prices the rents are to be now revised. I hope the Government may be able to accept the Amendment of the hon. Member for North Meath. If they cannot accept it in its present form, I think they ought to endeavour to meet the object aimed at by some other method. I think the point should be met in some way or other.

Mr. GIBSON: Objection was taken to the general action of the Commissioners, and it was urged that the House was entitled to ask them to declare the factors in their general decisions. It is not general judicial proceedings which are involved at the present moment. The parties will not be entitled to be heard in this case, and I think it would give rise to a great deal of heartburning if this Amendment were adopted; especially if it were found that one set of parties were not treated upon the same principle as another, and the different circumstances of different districts may, of course, render it impossible for similar treatment to be universally adopted. I think it would be much better to leave the Land Commissioners to deal with this matter in a broad spirit, and in a way they conceive to be equitable and fair. It would lead to considerable difficulty to have such facts as the hon. Member seems anxious to secure published.

Mr. CHANCE (Kilkenny, S.): When the Court acts generally—that is to say, when it gives decisions upon general principles—those decisions are given publicly, and are before the whole country; but in this case the tribunal will act differently, and it therefore appears to me all the more necessary that means should be taken to check the action of the tribunal. The right hon. and learned Gentleman opposite seems to think that it would lead to great heartburning if the Commissioners published the bases upon which they arrived at their decisions. I admit that it would lead to heartburning, and would be extremely inconvenient in one case—namely, where they act improperly. We ask that the people of Ireland shall be placed in the position of knowing whether they are treated fairly or not. We ask that the Committee shall relieve the Sub-Commissioners from the imputation which will rightly or wrongly be cast upon them of being influenced in favour of the landlords by the hole-and-corner methods, the wire-pulling and the means of "getting at" which the noble Lord the Member for South Paddington (Lord Randolph Churchill) knows that the friends of this class possess, and are not ashamed of exercising. I can perfectly understand that hon. Members would be brought trooping from the Smoking Room and elsewhere, knowing nothing about the question at issue, to vote us down, if this question were put to a Division. I warn them, however, that they will not assist this Act by casting a cloak around the proceedings which, in the case of such men as Colonel O'Callaghan, are adopted to avoid the cutting down of the rents on the plea—"If his rents are cut down, the poor man will have nothing to live on." The Government had better consider their position before they lay down the law with such extreme vigour and determination, and bring hon. Members in from the Smoking Room to vote us down.

Question put, and *negatived.*

Mr. Serjeant MADDEN (Dublin University): I beg to propose an Amendment to the effect that the powers under this Act—the powers conferred on the Land Commissioners—shall not be delegated by them to a Sub-Commission. Under the Act of 1881, to which this Bill is an amending measure—under the 43rd section of the Act of 1881—the Land Commission have power to delegate their powers to a Sub-Commission. Well, so far as this Bill is concerned, nothing but confusion would arise under that provision——

The CHAIRMAN: I think I heard the hon. and learned Member use the words "powers conferred by this Act."

Mr. Serjeant MADDEN: That was so.

The CHAIRMAN: Then his Amendment will not be appropriate to this section. He must bring it forward in the form of a new clause. If the Amendment contained the words "this section" it could be moved upon this clause.

Mr. Serjeant MADDEN: Probably my purpose may be effected by calling the attention of the Government to the matter on the Report. I will not, therefore, go on with the proposal.

Question, "That the Clause, as amended, be added to the Bill," put, and *agreed to.*

Mr. DILLON (Mayo, E.): The new clause which I now move I have good reason for believing the Government will accept——

Sir GEORGE CAMPBELL (Kirkcaldy, &c.): There is a clause of mine next but one on the Paper, which I think I am entitled now to move.

The CHAIRMAN: The hon. Member for East Mayo is moving a new clause, which was not put upon the Paper before last night. It was only printed to-day.

Mr. DILLON: This clause differs from the clauses we have up to now been considering, as it is one to enable the Land Commissioners to make advances of money in payment of sums borrowed by tenants from private lenders to purchase their holdings. The right hon. Gentleman the Chancellor of the Exchequer says that I have all along, in making my demands, based my claim on right. The right hon. Gentleman was entirely misinformed as to what I said. I based no claim upon right. I simply said that it was a question which should be considered as a matter of generosity and fairness, and that, inasmuch as anyone might suppose that the State would go as far as it was safe to the taxpayer in relieving these people, I undertook to show that there would be nothing unjust to the taxpayer in what I proposed. I based no claim at all for this provision on the question of right. Now, what is the proposal I make on this clause? It will be in the memory of all hon. Members who look into this matter that in all these Acts providing for the purchase of their holdings by the Irish tenants, the tenants were required to advance a considerable portion of the purchase money. The glebe tenants were required to advance one-third, and the tenants under the Act of 1870, and under the Act of 1881, were required to advance one-fourth. There is a provision to this effect in all previous Land Acts. The Irish Party were always opposed to these provisions. We always held that if you were going to give State assistance to purchase the land, the only safe and right way to do it was that all the purchase money should be advanced by the State. We, at least, are convinced—and I hope I may succeed in convincing the Committee—that there is in the Irish tenants' interest in the land, beyond the interest of the landlord, that which would serve the State as ample security for any advance it might make. The principle on which I base this claim on behalf of these tenants is this—that this legislation with regard to the purchase of Irish land must be looked at as a continuous whole. You have been groping your way in the dark to reach a principle of legislation that can be carried out successfully. In the Act of 1885, you reached very near to the right principle of carrying it out. Is it, I ask, unreasonable that I should request that tenants under previous Acts should be placed under the same conditions as those under the Act of 1885? The right hon. Gentleman the Chancellor of the Exchequer seems to be seriously alarmed lest this claim should interfere with the permanence of the arrangement that is necessary in future to carry on land purchase in Ireland; but I cannot see that there is much in that argument, because the character of this claim is simply this—that those who purchased under previous Acts may be admitted to the benefits that have been conferred by the whole body of the tenantry of Ireland, who did not purchase under those Acts. Until they fixed the principle in the Act of 1885 that the whole of the money was to be advanced we made no claim for these tenants; but we say it is hard on those tenants who bought under previous Acts that they should see men who bought under the Act of 1885 allowed benefits from which they are deprived. We ask that those tenants shall not be penalized for having bought previous to the Act of 1885, being satisfied that the Treasury does not incur any additional risk; you should say to those men not that they are to be made a present of anything at the cost of the taxpayers, or of the State, but that they should be placed in precisely the same position as if they had purchased their farms under Lord Ashbourne's Act. That is the whole principle of my Amendment. Having explained the principle of the Amendment, I would impress upon the Committee that it is a proposal of vital importance. The hon. Member for South Tyrone (Mr. T. W. Russell) said yesterday that many of the tenants who purchased under former Acts are in arrears. I know that many of them are in a desperate condition. If they are not in arrears, it is true that they are in debt to the merchants for goods which have been advanced. I am afraid, from communications which have been sent to me, that purchasers under the Act of 1870, and under the Glebe Loans Act, cannot sometimes redeem themselves unless they have such relief as is given under Lord Ashbourne's Act. The greatest evil that occurs most continuously in the case of those people is that of debts that they may contract to the money-lender or the banks. They are weighed down by liabilities they have been compelled to contract in this way, which liabilities the bad times have rendered it impossible for them to pay off as they expected to do when they contracted them. They thought that by a succession of good years, that in the course of some 30 years time, when they had paid off their indebtedness to the State, they then would be able to pay off their debts to the money-lender and the banks. No doubt they would have been able to do that if they had had good times. But, as everyone knows, they have had to face the worst of times, and as a result they now find themselves in a hopeless condition. That is the position of purchasers under the Act of 1870. I should now like to say a word as to purchasers under the Act of 1881. So far as I know, they number 2,000 or 3,000, and it seems to me to be simply grotesque and ludicrous that the men who bought under that Act should be denied the advantages allowed to those who purchased under the Act of 1885. I know that a great number of those purchasers who purchased in 1883 borrowed large sums from the bank, and purchased under threat of eviction; and what was the result? Why, that between the instalments they have to pay to the State under the Act of 1881 and the instalments they are obliged to pay to the bank their rents are now, in some instances, higher than ever they were. I think it is well worthy the attention of the Committee to consider whether they cannot see their way to putting these charges under the Act of 1881 on the same footing as the charges under the Act of 1885. The question at stake is simply one of the ruin or salvation of these people. They cannot continue to pay the banks and to pay the Government. They will be sold out, and the farms will be left vacant, and the Government will then be placed in what must be to them a very disagreeable position—namely, in a position of being obliged to realize by sale in order to pay themselves. If this were a case of dishonest claim on the part of the tenantry I should be the last man to stand up on behalf of these people. These people have consulted me on many occasions, and whenever they have done so I have always advised them to pay the Government on the day their instalments were due, and I could prove that, if necessary, by reference to numerous letters. But there is no doubt in the world that the men who bought under the Act of 1881 are placed in a most cruel position. They are debarred from the benefits of the great reductions of rent which are allowed to ordinary tenants; they are debarred from the benefits of the Act of 1885; and they are now, in many cases, called upon to pay a higher rent than ever they were called on to pay in good years. The system under which they live cannot be defended. I beg the Chancellor of the Exchequer to consider whether he cannot accept the Amendment; whether he cannot extend the Act of 1885 to all those classes of tenants I refer to, in the way I suggest, as I have not the slightest doubt that they will honestly and regularly pay their liabilities. I beg to move the clause which stands in my name, as follows:—

'(1.) If, on the application of any such lessee or tenant as is referred to in the twenty-third Section of 'The Purchase of Land (Ireland) Act 1885,' or person deriving title from him, it shall be proved to the satisfaction of the Land Commission that in the case of any parcel of land purchased in manner as in the said Section mentioned, and which is or has been subject to any such simple mortgage or instalment mortgage as is therein referred to, any portion of the purchase money paid in respect of such purchase was so paid with moneys borrowed for the purpose, and that the whole or any portion of the moneys so borrowed is still owing and unpaid, the Land Commission may, if it is proved that the applicant is unable to pay same, and that such inability does not arise from his own conduct, act, or default, and if satisfied with the security, advance to such purchaser or person for the purpose of paying off same, the amount so ascertained to be owing and unpaid, together with any interest found to be due in respect thereof.

"(2.) If, on the application of the purchaser or person deriving title to him of any holding purchased pursuant to the provisions of Part II. or Part III. of 'The Landlord and Tenant (Ireland) Act, 1870,' or of 'The Landlord and Tenant (Ireland) Act, 1872,' or of Part V. of 'The Land Law (Ireland) Act, 1881,' or of Part II. of 'The Tramways and Public Companies (Ireland) Act, 1883,' and charged by virtue of same or of this Act with an annuity payable to the Commissioners of Works or to the Land Commission, as the case may be, it is proved to the satisfaction of the Land Commission that any portion of the purchase money paid in respect of such purchase was so paid with moneys borrowed otherwise than from the Commissioners of Works or the Land Commission, and that the whole or any portion of the moneys so borrowed is still owing, and unpaid, the Land Commission may, if it is proved that the applicant is unable to pay same, and that such inability does not arise from his own conduct, act, or default, and if satisfied with the security, advance to such purchaser or person, for the purpose of paying off same, the amount so ascertained to be owing or unpaid, together with any interest found to be due in respect thereof.

"(3.) An advance made pursuant to the provisions of this section shall be secured to the Land Commission by deed, and shall be repaid by an annuity charged on the parcel of land or holding, in favour of the Land Commission, for forty-nine years of £4 for every £100 of such advance, and so in proportion for any less sum. The provisions of the 48th, 58th, and 51st sections of 'The Landlord and Tenant (Ireland) Act, 1870,' shall apply to any such annuity in all respects as if same were such an annuity as is in the said sections referred to: Provided that the reference in the said 51st section to the Schedule therein referred to shall, for the purposes of this section, be deemed to be a reference to the Schedule annexed to 'The Purchase of Land (Ireland) Act, 1885.'

"(4.) The provisions of the 30th section of 'The Land Law (Ireland) Act, 1881,' shall apply in the case of any such advance as if same were such an advance as is therein referred to, and the conditions imposed thereby on any holding, subject to any charge in respect of such an annuity as is therein mentioned, shall also apply to, and are hereby imposed on, any parcel of land or holding subject to any charge in respect of an annuity by virtue of the provisions of this section, "(5.) The money required for the purpose of advances under this section shall be part of the liabilities of the Land Commission, and shall be a charge on the Irish Church Temporalities Fund—that is to say, the fund under the control of the Land Commission under the provisions of 'The Irish Church Act Amendment Act, 1881.'

"(6.) This section shall not apply in the case of any purchaser or person deriving title through him, of any residue of an estate, or any portion thereof, purchased pursuant to the provisions of the 47th section of 'The Landlord and Tenant (Ireland) Act, 1870,' or the 27th section of 'The Land Law (Ireland) Act, 1881,' or the 14th section of 'The Tramways and Public Companies (Ireland) Act, 1883,' or the 7th section of 'The Purchase of Land (Ireland) Act, 1885.'"

New Clause (48 & 49 Vic. c. 73—Land Commission may make advances for payment of sums borrowed by tenants from private lenders to purchase their holdings,)—(*Mr. Dillon,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): The hon. Member who has just sat down said that it seems to him grotesque and ludicrous that the tenants who bought under the terms of the Act of 1881 should be in a worse position than those who bought under the Act of 1885. That reminds me of the discussion upon which we were engaged last night, and of many other discussions. The demand put forward by the Amendment is an illustration of the fact that the moment a concession is made it is said that it is necessary, in the interests of justice, that it should be made retrospective. Now, the hon. Member says that the conditions of the Act of 1885 should be applied to those tenants to whom he has referred—to those who bought under the Acts of 1870, 1872, and 1881. But the hon. Member must bear in mind that, under the Act of 1885, one-fifth of the purchase money was obtained from the vendor, a condition which cannot apply to the cases mentioned by the hon. Member. In that way, the Act of 1885 limited the risk of the State to four-fifths of the purchase money, whereas the hon. Member now asks that the State should take the whole risk by stepping into the shoes of the tenants who purchased under the former Acts. The hon. Member wishes the State to assume the position of the other creditors at a time when he himself admits that it is especially difficult, and almost impossible, to for them to fulfil their obligations. The very words of the Amendment are to the effect that if it is proved that the applicant is unable to pay the instalment, and such inability does not arise from his own conduct, the Land Commission may, if satisfied with the security, advance to the applicant the amount ascertained to be owing and unpaid, together with any interest found to be due in respect thereof. Now, on behalf of the State, I really must protest that it is impossible to give advances to tenants under such circumstances. It is impossible for us to run these further risks. I think I may say that the Government have shown that they have gone as far as they possibly can, and are absolutely unable to sanction this proposal. Looking at the position in which the tenants now find themselves, it would be absolutely impossible for the Government to put themselves into that position.

MR. SHEEHY (Galway, S.): The purchasers under the Act of 1881 have more than paid the one-fifth that it was arranged was to come from the vendor; consequently, if the Government were to give to the purchasers under the Act of 1881 the advantages given to the purchasers under the Act of 1885, they would have better security than they would have from the purchasers under the Act of 1885, for the purchasers under the Act of 1881 have already paid in their instalments. The hon. Member for East Mayo recommends that the burden which the tenants who purchased under the Act of 1881—the burden of the debt to the banks of which it is now impossible for them to relieve themselves—should be taken over by the Government at the State interest. The bank interest is a heavy interest for the tenant to bear. It is greater than the instalment that is paid to the Government, and I would press on the right hon. Gentleman the Chancellor of the Exchequer that the security to the State in regard to those who purchased under the Act of 1881 would be greater in consequence of the sums the tenants have already paid than in the case of persons who purchased under the Act of 1885.

MR. GOSCHEN: It does not follow that those who purchased under the Act of 1881 purchased in the year 1881.

They may have purchased in 1882, 1883, 1884, or at any time before the passing of the Act of 1885, so that in many cases they may not have paid five years' instalments. As a matter of fact, these tenants may have paid very few instalments, and we must bear in mind that the prices in 1881 were higher than in 1885. The security of the State would therefore be much diminished if the price that a tenancy was worth in 1881 was considerably reduced in 1887. The margin which would be secured by the payment of two instalments would be more than covered by the fall in value.

Mr. SHEEHY: I would point out that the clause omits that point.

Question put.

The Committee *divided*:—Ayes 113; Noes 179: Majority 66.—(Div. List, No. 350.) [5.20 P.M.]

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I now wish to make an appeal to hon. Gentlemen who have new clauses on the Paper for consideration at this stage. We have arrived at a period when there is hardly time for the consideration of any Amendment proposed except those of considerable importance; and hon. Members opposite know very well that if they refrain from moving their clauses in Committee, and put them on the Paper for Report, as new clauses they will be taken first after any new clauses of the Government, and that they will then obtain whatever consideration they may require. I only throw out that suggestion for the consideration of hon. Members. It will not be possible to take the Bill until after Supply, if it is taken at all, assuming that we do not pass the Committee stage to-day. Delay may have very serious consequences; therefore I would urge hon. Members to allow the Committee stage to be completed this evening.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): The suggestion of the right hon. Gentleman appears to me to be a very reasonable one. I should like to ask the right hon. Gentleman the First Lord of the Treasury if he proposes to give two days for the consideration of the Bill on Report?

Mr. W. H. SMITH: If the Committee believe that two days are necessary, certainly two days will be given. It is, however, proposed that the Report shall be taken on Friday, and we hope that it will be concluded on that day.

Sir GEORGE CAMPBELL: Will the Bill be reprinted?

Mr. W. H. SMITH: It is already reprinted as far as the Committee has settled it.

Sir GEORGE CAMPBELL: Will it be delivered to-morrow?

Mr. W. H. SMITH: I hope it will be.

Mr. DILLON: In answer to the right hon. Gentleman the First Lord of the Treasury, might I be allowed to say that I shall be willing to enter into his views, or to recommend my hon. Friends to reserve all their clauses until the Report; but if they do that, I would ask him to give us Friday and Monday for the Bill—I do not like a Saturday Sitting.

Mr. W. H. SMITH: I am sorry to say that the exigencies of Supply are such that the Government cannot give Friday and Monday for the Bill.

Mr. T. P. O'CONNOR (Liverpool, Scotland): Can you not take Supply on Saturday?

Mr. W. H. SMITH: No; it is impossible to postpone it beyond to-morrow; besides, a delay of 48 hours with respect to this Bill may have serious results in Ireland. We wish to avoid unnecessary delay.

Mr. T. P. O'CONNOR: I ask is it not possible to take Supply on Saturday?

Mr. W. H. SMITH: I shall be extremely glad were it possible to meet the convenience of hon. Gentlemen below the Gangway opposite. I shall be glad to meet their convenience as far as possible; but the two days delay in disposing of the Report stage of this Bill which he suggests is a delay which we consider would have serious results in Ireland.

Mr. DILLON: So far as I am concerned, I see no objection to adopting the proposal of the right hon. Gentleman. I will withdraw the clauses of which I have given Notice, and will bring them up on Report.

Mr. T. W. RUSSELL (Tyrone, S.): I also will withdraw the clauses which stand in my name, and will bring them up again on Report.

On the Motion of Mr. A. J. Balfour, the following Amendments made:—In Schedule:—Page 24, line 17, leave out "the landlord of the said lands," and insert "A. B. [landlord's name], at ——, or G. H. [agent's name] at ——;" page 24, line 19, at end, insert,—The particulars of the rent and costs are as follows:—[set them out, as in the judgment or decree]."

Bill *reported;* as amended, to be *considered* upon *Friday*, and to be *printed.* [Bill 355.]

PUBLIC PARKS AND WORKS (METROPOLIS) (*re-committed*) BILL.

(*Mr. David Plunket, Mr. Jackson.*)

[BILL 136.] COMMITTEE.

Order for Committee read.

The FIRST COMMISSIONER of WORKS (Mr. Plunket) (Dublin University) said, he must appeal to the House to go into Committee on the Bill, which would give relief to the taxpayers. The only Amendments to be made were Amendments by consent.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Plunket.*)

Mr. SYDNEY BUXTON (Tower Hamlets, Poplar) said, that any relief to the taxpayers would be thrown upon the ratepayers of London. He thought it very unfair that while there was no Municipal Body for London, the maintenance of these Parks should be placed on the shoulders of the ratepayers. He did not wish to give any effective opposition to the Motion to go into Committee; but he desired to enter his protest against the Bill as unjust and unfair.

Question put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

On the Motion of Mr. Plunket, the following Amendments made:—In Clause 2, page 1, line 12, leave out "bridge and;" after "embankment," insert "and bridge;" line 13, after "mentioned," insert "and in this Act referred to as the Parks and Works;" line 18, leave out "Westminster Bridge;" line 21, leave out "(in this Act referred to as 'the Parks and Works');" line 22, after "signed," insert "in duplicate;" page 2, line 1, leave out "in duplicate;" line 3, after works," insert—

"And Westminster Bridge, with the foundations, structures, and materials thereof and thereon, and the approaches thereto on either side, so far as such approaches are coloured on a plan and signed and deposited as aforesaid;"

page 2, line 20, after "public," insert—

"With the same liability and to the same extent as the same are at the date of transfer kept open and managed, maintained and repaired by the Commissioners of Works;"

lines 25 and 26, leave out "and otherwise in connection with this Act;" line 29, after "cost," insert—

"And the Board may defray expenses incurred by them with respect to permanent improvements or alterations in the Parks and Works, and not by this Act otherwise expressly provided for in like manner, as if such expenses were expenses incurred by the Board in carrying into execution the purposes of 'The Metropolis Management Act, 1885,' and the Acts amending the same;"

and in Clause 6, page 4, line 20, leave out from "Board" to end of paragraph, and insert—

"Provided that there shall be repaid to the Board, out of moneys to be provided by Parliament, so much of such pension as is payable in respect of the person's service, before the date of his transfer under this Act, regard being had to the amount of salary then paid, but, without taking into account any number of years added to his service on account of abolition of office."

Bill *reported;* as amended, to be *considered To-morrow.*

TRAMWAYS (WAR DEPARTMENT) BILL.—[Bill 246.]

(*Mr. Northcote, Mr. Edward Stanhope, Mr. Brodrick.*)

COMMITTEE.

Order for Committee read.

The SURVEYOR GENERAL of ORDNANCE (Mr. Northcote) (Exeter), in moving that the House go into Committee on the Bill, said, it was one of a purely formal nature.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Northcote.*)

Mr. BIGGAR (Cavan, W.) objected to the Motion.

It being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow.*

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 4th August, 1887.

MINUTES.] — Select Committee — *Report* — Rabies in Dogs [No. 208].

Public Bills—*First Reading*—Turnpike Roads (South Wales) * (207).

Second Reading—Adulteration (199), *discharged;* Truck (179).

Committee—Criminal Law (Scotland) Procedure (No. 2) * (178-209); Coroners * (177-210).

Committee — *Report* — Trinidad and Tobago * (195).

Report—Statute Law Revision * (192).

Third Reading—Escheat (Procedure) * (193); British Settlements * (189), and *passed.*

Provisional Order Bills—*Third Reading*—Local Government (No. 5) * (146); Local Government (No. 7) * (166), and *passed.*

CROFTERS' HOLDINGS (SCOTLAND) BILL.—(No. 200.)

(*The Marquess of Lothian.*)

CONSIDERATION OF COMMONS' AMENDMENT.

Order for the consideration of the Commons' consequential Amendment, read.

The SECRETARY for SCOTLAND (The Marquess of Lothian) said, as the Amendment was now modified, no new principle was involved. It simply meant that the object of the Bill should be carried out by the Crofter Commissioners. He hoped their Lordships would consent to it.

Amendment *considered* (according to Order), and *agreed to.*

ALLOTMENTS AND COTTAGE GARDENS COMPENSATION BILL.—(No. 155.)

(*The Earl of Winchilsea.*)

THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3ª."

The PRIME MINISTER and SECRETARY of STATE for FOREIGN AFFAIRS (The Marquess of Salisbury) asked that the reading should be put off till to-morrow, because the Government wished to introduce an Amendment.

Lord ELLENBOROUGH said, he took the opportunity of protesting against legislation of this kind. Was it thought it would influence agricultural labourers? If so, he believed a great mistake was made; and as for the landlords, they had better give up at once the fee simple of the allotments rather than encounter the great litigation which would ensue, and which would cost double or treble the value of the fee simple.

Third Reading *put off* till *To-morrow.*

IRISH LEGISLATION.

QUESTION.

Earl GRANVILLE: I wish to ask the noble Marquess the Prime Minister, Whether it will be convenient for him to state if it is the intention of the Government to introduce into this House any further Bill with regard to Ireland this Session?

The PRIME MINISTER and SECRETARY of STATE for FOREIGN AFFAIRS (The Marquess of Salisbury): I think I must ask the noble Earl to follow the uniform practice of this House, and to give Notice of the Question.

Earl GRANVILLE: I sent the noble Marquess a note to-day; but, as he does not seem to have received it, I will put the Question to-morrow.

TRUCK BILL.—(No. 179.)

(*The Lord Macnaghten.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Lord MACNAGHTEN, in moving that the Bill be now read a second time, said, the Bill came to their Lordships from the House of Commons. Its object was to extend and amend the existing Truck Acts, which, as their Lordships were aware, were aimed against the payment of wages otherwise than by money. The Bill had met with general acceptance in all quarters, and was intended to remedy the defects of the existing enactments in three respects. First, it provided better machinery; secondly, it was extended to trades which were exempt from the existing Acts which, *e.g.*, were applicable to iron mines but not to lead mines; and, thirdly, it applied to Ireland. The Bill also provided for the payment of wages every week in Ireland, and every fortnight or oftener in the granite quarries of Scotland.

Moved, "That the Bill be now read 2ª."—(*The Lord Macnaghten.*)

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

POST OFFICE (TELEGRAPH DEPARTMENT)—TELEGRAPH STATIONS.

QUESTION.

The Earl of MILLTOWN said, he rose to call attention to an application which he had made in regard to the establishment of a telegraph station at a small country town in Ireland. That application was made in December last, at the earnest request of the inhabitants of the town; but he did not receive a reply to his communication until the 16th of June; he did not know whether this was the usual time which was taken to obtaining an answer from the Post Office. The reply was to the effect that the request for the establishment of the station could not be complied with; and it stated that the decision in a case of this kind was not based on the size of the town or village to which it was proposed to extend the telegraph, but on whether it was estimated that the revenue would be sufficient to cover the working expenses or not. In conclusion, he asked Her Majesty's Government, What regulations were laid down by the Treasury for fixing the amount, if any, of guarantee which had to be given before the consent could be obtained for the establishment of an electric telegraph station?

The PRIME MINISTER and SECRETARY of STATE for FOREIGN AFFAIRS (The Marquess of Salisbury), in reply, remarked that when the Treasury said they did not take into account the size of the town, he did not suppose they meant to say that they did not take into consideration the probable business of the town, for it was obvious that they could form no judgment on the subject without doing so. It appeared to him that their demands were of a very businesslike character. They required that the guarantee should cover the annual working expenses of the proposed office, the annual cost of maintaining the wire and the instruments, the interest on the outlay incurred in the erection of the telegraph, the recoupment of that outlay within seven years, and a margin of a certain percentage for contingencies. This was to keep the Post Office from loss. If the Post Office saw that the business was likely to increase, and that it was worth while to speculate in the matter, no doubt it would be satisfied with a smaller guarantee. This was not a special Irish grievance, he hoped. He had himself suffered in a similar manner.

House adjourned at Five o'clock, till
To-morrow, a quarter past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 4th August, 1887.

MINUTES.] — New Member Sworn — The Right honble. Sir George Otto Trevelyan, baronet, *for* Glasgow (Bridgeton Division).

Select Committee — Rating and Valuation (Scotland), *appointed.*

Supply—*considered in Committee*—Army Estimates, Votes 19, 2 to 5

Public Bills — *Ordered* — *First Reading* — Universities (Scotland) * [357].

First Reading—Valuation of Lands (Scotland) Amendment * [356].

Second Reading—Metropolitan Board of Works (Money) * [345].

Referred to Select Committee—Municipal Regulation (Constabulary, &c.) (Belfast) * [291].

Committee—Report—Trustee Savings Banks * [334]; Settled Land Act (1882) Amendment * [339]; Stannaries Act (1869) Amendment (*re-comm.*) [342].

Considered as amended—Third Reading—Public Parks and Works (Metropolis) * [136]; Open Spaces (Dublin) * [346]; Agricultural Labourers' Holidays (Scotland) * [311], and *passed.*

Withdrawn—Land Transfer * [328]; School Fees (Non-Paupers) * [106]; Poor Law Settlement and Removal * [330].

QUESTIONS.

CRIMINAL LAW ADMINISTRATION—REGISTRATION OF PRISONERS.

Sir WALTER B. BARTTELOT (Sussex, N.W.) (for Sir Richard Paget) (Somerset, Wells) asked the Secretary of State for the Home Department, If his attention has been called to a report in *The St. James' Gazette* of 20th July, by which it appears that at the recent Middlesex Sessions, before the Assistant Judge, a detective of the City Police declared that a prisoner then before the

Court had been previously convicted, that he was certain of his identity, that he had previously been in custody, and that he recognized him by his general appearance, age, height, and a cast in his left eye; but that, on the production in Court of the previously convicted person, the detective at once admitted his mistake; whether his attention has been called to the French Anthropometrical system of registration of prisoners for the purposes of identification—the invention of Monsieur Alphonse Bertillon—under which identification is very much simplified, and mistakes are practically impossible; whether he will be good enough to consider the matter with a view to its adoption in this country; and, whether he will state to the House what is the number of photographs of persons now living who are registered in the Criminal Investigation Department as having been convicted of crime?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): My attention has been called to the case of mistaken identity before the Assistant Judge at the Middlesex Sessions. I am informed by the Commissioner of City Police that the resemblance between the two men was very strong indeed. Each of them had two scars on the chin and a cast in one eye, and they were of the same height. I have consulted the Police and Prison Authorities upon the French Anthropometrical system. They do not advise its adoption in this country, both on the ground of the expense and trouble which would be involved in taking the necessary measurements, and because they consider that the photographic system now in use is good enough for all practical purposes. The subject appears to me, however, to deserve further consideration. There are about 34,000 photographs registered in the Criminal Investigation Department; but the police cannot say if all the persons are living.

LAW AND POLICE (IRELAND)—ASSAULT AT COLERAINE.

MR. MULHOLLAND (Londonderry, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the following statement is correct:—That in a drunken row, which took place outside Coleraine Railway Station on the 12th July, at about 7 o'clock, a man named O'Neill lost his life; that a man named Matthew M'Creedy, went to the police barrack and made a statement that the deceased had been struck and knocked down by a respectable and peaceable inhabitant of the town called John Galbraith; that M'Creedy admitted, on cross-examination, that he had been lying in a field drunk from 9.30 a.m. to 4.30 p.m.; that Mr. Cuthbert, J.P., who went to the police barrack to receive M'Creedy's deposition, observed that he was drunk, and ordered him to be detained in a cell for the night; that Galbraith was arrested on M'Creedy's information, detained in the police barrack for 24 hours, and only released after the verdict of the Coroner's jury had completely exonerated him from any connection with the unfortunate occurrence; and, if the facts are as stated, what action the Government propose to take in the matter?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Constabulary reports that O'Neill lost his life as stated in the Question. M'Creedy, immediately after the occurrence, said the deceased had been struck and knocked down by Galbraith. M'Creedy was not drunk. He was afterwards asked to the barrack, and when he arrived there he was under the influence of drink. At a subsequent examination he admitted having been lying in a field drunk as alleged. Mr. Cuthbert, J.P., was informed of Mr. M'Creedy's statement in the case, and that he was under the influence of drink. He then came to the barracks to see him. M'Creedy remained in the barrack for the night Galbraith was arrested at 7.50 p.m. on the 14th of July, and on the following morning he was brought before the magistrates. On his application, the investigation was adjourned till the afternoon, when it was resumed. The magistrates, on hearing the evidence, refused informations, and Galbraith was discharged. The Government do not consider that the case calls for further action on their part.

MERCHANT SHIPPING ACTS—EXAMINATION FOR COLOUR BLINDNESS.

MR. J. G. TALBOT (Oxford University) asked the Secretary to the Board of Trade, Whether he can present to

Parliament any further Reports on the results of examinations held for Masters' and Mates' Certificates, with respect to colour blindness, in continuation of the Report presented in 1885?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): A further Return containing the information desired by my hon. Friend is now in course of preparation, and will be ready for presentation very shortly.

WAR OFFICE—THE ARMY RESERVE.

MR. HOWARD VINCENT (Sheffield, Central) asked the Secretary of State for War, If he can state why men of the Army Reserve are not permitted to keep up their military training by joining as supernumeraries a regiment of Volunteers, in which their presence might also be advantageous to the Public Service?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): The reason, Sir, is mainly a financial one. One of the best means by which men of the First Class Army Reserve might be assisted in keeping up their military training would be to allow them to join Volunteer corps as supernumeraries. But if any large number of them do so, and become entitled, on certain conditions, to draw a capitation grant of 35*s*., the cost to the State would be very considerable. I fully recognize, however, the importance of the subject, and I will undertake to look very carefully into it.

MERCHANT SHIPPING ACTS—PILOTS' CERTIFICATES.

MR. O. V. MORGAN (Battersea) asked the Secretary to the Board of Trade, Whether, as the Merchant Shipping Act (1854) Amendment (No. 2) Bill has been abandoned for this Session, he will now consent to the renewal of the pilots' certificates which were suspended pending the decision of Parliament on the Bill in question?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): As the questions affecting pilots and pilotage are to be considered by a Select Committee next Session, it has been decided, pending the decision of such Committee, to re-issue such pilotage certificates as have been temporarily suspended, but not to issue any fresh ones.

MR. PULESTON (Devonport) asked, whether the Board of Trade had taken into consideration a recent decision of the Law Courts on this subject?

BARON HENRY DE WORMS said, the decision of the Law Courts was that the Board of Trade had power in the matter; but they preferred waiting for the Report of the Select Committee before they took any action.

POST OFFICE (IRELAND)—TELEGRAPH OFFICE AT SMITHBORO', CO. MONAGHAN.

MR. P. O'BRIEN (Monaghan, N.) asked the Postmaster General, When he will find it convenient to state his decision on the application of the inhabitants of Smithboro', County Monaghan, for the establishment of a telegraph office in that town?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): The further Report for which I have called has not yet been furnished; but I hope to be in a position to give a definite answer to the hon. Gentleman in the course of a few days.

ADMIRALTY—THE NAVAL MANŒUVRES—DEFENCE OF OUR COASTS.

CAPTAIN COLOMB (Tower Hamlets, Bow, &c.) asked the First Lord of the Admiralty, Whether any "general idea" has been laid down by the Admiralty for the conduct of the Naval operations now being carried on in the vicinity of our coasts; if so, whether the conditions assumed by such "general idea" are considered to be applicable to the defence in war of our coasts, commercial ports, and commerce by our sea-going force; whether such "general idea" involves any of the following assumptions, and, if so, which:—That the enemy's force has not been masked by a British force off the enemy's ports; that the enemy's ports have not been "observed" from the outbreak of hostilities by either our war fleet or by a flotilla of our fast merchant steamers; that the movements of the enemy's force have not been continuously watched by our war ships or auxiliary merchant steamers from the moment of its putting to sea; that we have abandoned the command of the sea outside the chain of defending ships?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): The

Question of the hon. and gallant Member is of a somewhat argumentative and contentious character, and one that can hardly be answered within the limits of an answer to a Question. I will endeavour, however, to satisfy the hon. and gallant Member. The Admiralty have not assumed that the conditions under which the present naval manœuvres are being carried out can be made identical with those existing in time of actual war; but they have framed Regulations by which a certain approximation to the conditions of actual warfare is made. The object of these experiments is to give officers a tactital knowledge and the men experience of the duties they will have to undertake. We believe that the Admirals and Commodores in command will also obtain a clearer insight into the strategical principles which should govern the defence of our coasts and commerce.

CAPTAIN COLOMB: I should like to ask, whether the First Lord of the Admiralty considers that "of certain approximations" to the circumstances of actual warfare is defending ourselves in our own waters?

[No reply.]

ADMIRALTY — THE NAVAL MANŒUVRES.

CAPTAIN COLOMB (Tower Hamlets, Bow, &c.) asked the First Lord of the Admiralty, What is the Admiralty's estimate of the approximate total value of British property at our ports and off our coasts liable to attack by a sea-going force operating in our own waters during the period assigned for the naval manœuvres now taking place?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): I am asked what is my

> "Estimate of the approximate total value of British property at our ports and off our coasts liable to attack by a sea-going force operating in our own waters"

during a certain period. It is self-evident that no such estimate can be made, for the one factor that governs it is the naval strength and geographical position of the enemy with whom we might happen to be at war; and unless that can, with exactitude, be stated, all other conclusions would be misleading and worthless.

CAPTAIN COLOMB: Is the Naval Intelligence Department not aware of the property exposed to gun fire from ships, and the amount of commerce accumulating in different ports and in our own waters in any 14 days of the year?

LORD GEORGE HAMILTON: The Naval Intelligence Department could obtain it; but they would have to obtain it second hand from Lloyd's.

CAPTAIN COLOMB: Then they have not got it.

ARMY (INDIA)—THE REGULATIONS OF 1883 AND 1884.

COLONEL HUGHES-HALLETT (Rochester) asked the Under Secretary of State for India, If it be the intention of Her Majesty's Government to grant compensation to those officers of Her Majesty's Indian Army who, by reason of the Regulations issued by the Government of India in 1883 and 1884, limiting the periods of regimental command, have been deprived of their commands and, in many cases, relegated to half-pay, thus suffering great professional as well as pecuniary loss; whether, at the time the Regulations referred to were issued, these officers were already holding commands, and were guaranteed by Act of Parliament, Acts 21 & 22 *Vict.* ss. 56 to 58, the privilege of continuing to hold them until promoted to brigade command or until retired on full pension; and, whether, if there be no present intention of granting these officers compensation for the great professional and pecuniary loss they have sustained by the issue of these Regulations, which contravene the Acts of Parliament referred to, the Government will grant a Committee to inquire into the merits of the cases, and to afford such relief and compensation as may seem desirable?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): The Government has no intention of granting compensation to officers who have to resign their commands under the Regulations referred to. No officer is, under those Regulations, relegated to half-pay. I cannot admit that the Act of Parliament referred to has the effect stated. The Secretary of State is of opinion that the appointment of a Committee to inquire into these matters would not be productive of any public advantage.

CEYLON — MEMBERS OF THE IRISH AND ENGLISH BAR.

MR. MAC NEILL (Donegal, S.) asked the Secretary of State for the Colonies, Whether members of the Irish Bar are admitted to plead before the Courts of Ceylon on the same terms and subject to the same conditions as gentlemen called to the English Bar?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): I have made inquiries into this matter; and, so far as I can ascertain, no distinction is made between members of the English and Irish Bar; but if the hon. and learned Member has any reason to believe the contrary to be the case, and will communicate with me, I will send out to the Colony and inquire.

BOARD OF TRADE—THE STANDARDS DEPARTMENT.

MR. ISAACS (Newington, Walworth) asked the Secretary to the Board of Trade, Whether it is a fact that the officer in charge of the Standards Department, who is in receipt of £600 per annum as his official salary, has been, during the last few years, frequently absent from the Department making local comparisons of weights and measures in the custody of Provincial Inspectors with the Board of Trade standards at various places in the United Kingdom; and, if so, by what authority; what provision is made for the due performance of that officer's duties during such absences from London; and, whether complaints have been made to the Department of the inefficient way in which such local comparisons have been made, and that standards have been sent to weight and measure makers in London to be re-adjusted immediately after such local reverifications?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): It is part of the ordinary duty of the Superintendent of Weights and Measures to undertake, under the direction of the Board, the local comparison of standards, and this duty does not interfere with the proper discharge of the other duties of his office. Local Authorities may, under the Weights and Measures Act, 1878, either send their standards to London for verification or they may have them tested locally. They much prefer the latter course, on account of the serious expense and delay caused by sending standards to manufacturers in London. On an average of the last four years there have been annually 40 applications for local testing. No complaints have been made to the Department as to the inefficient comparison of standards; but, on the other hand, the Local Authorities have generally expressed entire satisfaction with the existing arrangements.

STATE OF IRELAND—"BOYCOTTING"—THE REV. MATTHEW MACAULAY—CASTLEBLANEY, CO. MONAGHAN.

MR. P. O'BRIEN (Monaghan, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that the Rev. Matthew Macaulay, Presbyterian clergyman, late minister of a congregation at Castleblaney, in the County Monaghan, has, in a letter which appeared in *The Pall Mall Gazette* of the 23rd April, and on several previous occasions in the public Press, stated that he was obliged to resign his congregation at a loss of income of £50 per annum, because of a combination among certain members of his late congregation to "Boycott" him on account of his late public action in support of Mr. Gladstone's Home Rule Bill, and in consequence of which alleged combination 50 families withdrew from his church; and, whether the Rev. Mr. Macaulay is one of the

> "136 persons reported to be more or less affected by 'Boycotting'" "or one of the nine persons under police protection, or protected by police patrols"

in the County Monaghan, and in consequence of which that county has been proclaimed?

MR. JOHNSTON (Belfast, S.): Before the right hon. and gallant Gentleman answers that Question, may I ask him if there is any law which compels loyal Presbyterians to attend the ministrations of a Parnellite minister; and, whether, if any Roman Catholic priest were to declare in favour of the Marquess of Salisbury's Government, he would not lose more than fifty families?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, he could hardly answer for the action of a congregation under the circumstances mentioned by the hon.

Member, nor was he aware that there was any such law. With regard to the Question on the Paper, he begged to inform the hon. Member that all the circumstances connected with this case had been fully explained in reply to a Question put on the 14th of April last. The rev. gentleman is not one of the 136 persons reported to be more or less affected by "Boycotting," neither is he one of the nine persons under police protection.

MR. P. O'BRIEN said, the rev. gentleman was, practically, under police protection; and he would like to know, therefore, why the case was not included in the Returns?

COLONEL KING-HARMAN: We do not consider that the rev. gentleman requires police protection.

SOUTH AFRICA—BECHUANALAND.

DR. CLARK (Caithness) asked the Secretary of State for the Colonies, What is the estimated cost of the Administration of Bechuanaland for the current year; what is the estimated cost of the Police and the Civil Administration; and, how much of the £78,000 proposed to be voted in aid is for the Police?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): The estimated cost of the Administration is £91,480 10*s*. The estimated cost of the Police is £58,769 10*s*. (including £9,000 for deferred pay for men who will be discharged during the year in consequence of the reduction of the force); and, therefore, the estimated cost of the Civil Administration is £32,711. The £78,000 is a grant in aid of the general Revenue. It is not proposed to assign any portion of it to a specific purpose; but, as the hon. Member will see, a large portion of it is required on account of the cost of the police.

LAW AND POLICE—PROTECTION OF WOMEN IN PUBLIC THOROUGHFARES.

MR. HUBBARD (Bucks, N.) asked the Secretary of State for the Home Department, If he will consider the best possible means of increasing the efficiency of those Clauses of the Act of Parliament which require the police to defend women from annoyance by men in public thoroughfares?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I have on a previous occasion, July 14, in answer to the hon. Member for Flintshire (Mr. S. Smith), stated in this House that the police have power to arrest a man who, in a public thoroughfare, uses indecent or insulting language or behaviour towards a woman to her annoyance, or if he molests her in a manner amounting to an assault. I think the law might well be amended, so as to include persistent molestation as well as indecent language.

PARLIAMENTARY REGISTRATION (IRELAND)—VOTING PAPERS, BANTRY UNION.

MR. GILHOOLY (Cork, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has received a letter from the Returning Officer of the Bantry Union on the 19th of May, in which the following passage occurred:—

> "I have to state that I have made inquiry, and have ascertained that Constable Kavanagh left a voting paper at the house of Timothy McCarthy, of Glanlough, and that he did not call for same paper; why he did not call for the voting paper I cannot tell;"

and, if the above answer was received, if he could explain why the Parliamentary Under Secretary did not quote it when answering the Question on the subject; and whether he will cause further inquiry into the matter?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the letter referred to was received on the 18th of May. Constable Kavanagh, however, explained, in reference to this letter, that he actually called at the house for a voting paper; but a man named Arundel, who was in, refused to give it to him. If the hon. Member had any further evidence he could furnish to the Government they would certainly consider whether an inquiry was necessary.

MR. GILHOOLY asked the right hon. and gallant Gentleman, if he considered the constable was more to be believed than the Returning Officer?

COLONEL KING-HARMAN said, he was willing to allow the hon. Member to see the letter he had received on the subject.

NATIONAL LIBRARY OF IRELAND—MARSH'S LIBRARY, DUBLIN.

MR. SEXTON (Belfast, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If the Government are willing to consider whether Marsh's Library, Dublin, might not with public advantage be absorbed in the National Library of Ireland?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: If proper arrangements can be made for the transfer, the Science and Art Department will be prepared to absorb this Library into the National Library so soon as the new building is completed.

CRIMINAL LAW AND PROCEDURE AMENDMENT (IRELAND) ACT, 1887 — THE PROCLAMATIONS — "PARNELLISM AND CRIME."

MR. SEXTON (Belfast, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can throw any light on the fact that the same post which conveyed to the Irish Constabulary stations copies of the Proclamations lately issued under the Criminal Law Amendment (Ireland) Act, brought also, addressed to the sergeant in charge of each station, a parcel of the pamphlets issued by *The Times*, entitled "Parnellism and Crime?" I referred to the Act by its popular title; but as that has been altered, I wish to say the title by which it is described in the Question is neither the popular nor the legal title. The Act to which I referred is called the Criminal Law and Procedure Act, 1887.

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Inspector General of Constabulary knows nothing about the transmission of the pamphlets alluded to, except that the Inspector of the County Cork (West Riding) reports that copies were sent anonymously by post to almost every station in his Riding. The pamphlets were not sent by the same post as the Proclamations under the Act.

MR. SEXTON: I wish to ask the right hon. and gallant Gentleman, whether it is in accordance with the Rules of the Irish Constabulary Force that documents like *The Times* pamphlets should be about police stations in Ireland; and, whether the Government will instruct the sergeant in charge of each station to destroy these documents?

COLONEL KING-HARMAN: I am not aware that there are any instructions in the Constabulary Code forbidding the constables taking in any literature they like. I myself have seen copies of *United Ireland* at the stations.

MR. SEXTON: Does the right hon. and gallant Gentleman mean to say that the Irish police stations can be used for the purpose of disseminating political libels with the consent of the Government?

COLONEL KING-HARMAN: I have no reason to suppose that there is anything in the Code to prevent the Irish Constabulary receiving copies of *The Times* or extracts from *The Times*.

COMMISSIONERS OF IRISH LIGHTS—THE POLICE ACTING AS WATER BAILIFFS.

MR. O'DOHERTY (Donegal, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Is it part of the duty of the police in Ireland to act as water bailiffs, or as assistants to them, in places like Lough Swilly; can constables on leave so act; can persons in charge of lights on such loughs so act; whether he will inquire, and give the official account of, what occurred on the night of the 21st July last at Desertagney, on the shores of Lough Swilly, and, more especially, whether Constable Gamble was on leave, yet carried a revolver; whether Kennedy, the keeper of Buncrane Light, was there, and on what business; and, whether the Irish Government will bring the matter under the notice of the Inspector General and the Irish Lights Board?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the facts of the case were these—The Inspector of the fishery district proceeded on fishery duty, and invited the sergeant of police, who was on leave, to accompany him. The sergeant did so; but he took no part in the inspection. The Inspector was assisted by a lightkeeper, who had been duly appointed as a water bailiff. The Inspector General of Constabulary did not think it necessary to take any action in the matter.

and intermediate towns, the mail train from Inverness has for the last two years been accelerated, and now leaves Dingwall before the train from Strome Ferry arrives. To delay the former would, by delaying important correspondence, seriously inconvenience the mercantile community at Wick and Thurso; while an acceleration of the latter train would involve expense, which would not at present be warranted. I should be very glad if any arrangement could be made to accelerate the last-mentioned train without additional expense.

ARMY (INDIA) — THE "MADRAS MILITARY FUND."

COLONEL HUGHES-HALLETT (Rochester) asked the Under Secretary of State for India, Whether the "Madras Military Fund," established in 1823 by the Court of Directors of the East India Company for the support of the widows and orphans of the officers of the Madras Army, and formed by compulsory contributions from all the officers, is still in existence, and in what form; whether, in 1858, after the Indian Mutiny, there was a capital of over £1,000,000, and a surplus of assets over liabilities of £123,760; whether the actuaries pointed out that this surplus was increasing at the rate of £10,000 annually; whether this surplus was handed over to the Secretary of State for India, after the Honourable East India Company had been merged into the Government of the Crown; and, if so, what became of it; whether any, and what, surplus has accumulated since 1858, and what has become of it; whether he will lay upon the Table Copies of the Correspondence that took place between the Secretary of State for India and the Government of India, or of Madras, relative to the taking over the administration of the Fund; whether it was in consequence of the amalgamation of the late East India Company's Forces with Her Majesty's Army that the Secretary of State at that time suggested that the future management of the "Madras Military Fund" should be handed over to him; and, whether there is anything in the Act of Parliament directing the Secretary of State for India to assume such management, or to prevent the Secretary of State for India from appropriating to the use of the subscribers and their families any surplus which may be now found to exist?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): The assets and liabilities of the Madras Military Fund were transferred to the Secretary of State for India in Council by the Act 29 *Vict.*, c. 18. The Rules of the Fund are still in existence, and the pensions and allowances granted by the Rules form a direct charge on the Revenues of India. In the Report of the actuaries, dated January 31, 1863, it was estimated that the surplus on April 30, 1858, was £123,760, and that it was increasing at the rate of about £10,000 per annum. Subscriptions and donations were consequently reduced 10 per cent from June, 1864. When the Fund was handed over to the Government in 1866 the surplus was estimated at £132,000. This surplus was absorbed by the grant of large concessions made to the subscribers in the shape of increased benefits by the Secretary of State. The capital of the Fund was absorbed in the Revenues of India from the date of its transfer to the Secretary of State for India in Council, and no separate account has since been kept. There is no objection to this Correspondence being published. It was in consequence of the changes made in the constitution of the Indian Army that notice was given by the Secretary of State for India in Council that he was willing to take over the Fund. The transfer was, however, the voluntary act of the subscribers, carried by the majority of votes required by the Rules. The Act of Parliament authorizes the Secretary of State to assume the management of the Fund, and does not preclude him from granting benefits in addition to those secured by the Act. In accordance with this provision increased benefits were granted in 1867 which absorbed the estimated surplus in the Fund at the date of the transfer.

LAW AND POLICE (IRELAND)—ARREST OF JOSEPH KILLEN, CARDENSTOWN, CO. MEATH—MAJOR TRAILL, R.M.

MR. CAREW (Kildare, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that, on the 7th of the present month, a young man named Joseph Killen, of Cardenstown, in the County of Meath, was arrested on a warrant issued by Major Traill, R.M., on the information of Mr. William Tyrrell, J.P.; whether the only "offence" committed by Killen was that he cheered on observing Mr. Tyrrell driving from an evicted farm a horse which he found trespassing there on the 10th of June; whether Killen was taken in custody before Major Traill, R.M., and, without having been given the opportunity of defending himself by a solicitor or witnesses, was sentenced to three months' imprisonment in default of finding sureties to the peace; whether Killen is the son of an evicted tenant, and Mr. Tyrrell the caretaker of the evicted farm; why the charge was not tried in the usual way at the Petty Sessions of the district; and, whether he will supply a copy of the informations on which the warrant was issued?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: Major Traill, R.M., reports that Killen was arrested on a warrant issued by him on the information of Mr. Tyrrell. The offence charged was that Killen had forcibly rescued from Mr. Tyrrell a horse which he was driving to the pound, having found it trespassing on a farm over which he was agent. Killen was brought before Major Traill in custody. He made his own defence, and neither asked for the assistance of a solicitor nor produced witnesses. He was bound in sureties of the peace and future good behaviour for three months, or to be committed for that period. He found the sureties at once, and was discharged. Killen is the son of the evicted tenant. Mr. Tyrrell is the agent over the property to which the farm belongs. Major Traill dealt with the case summarily, as the next Petty Sessions for the district would not have been held till three weeks afterwards. It is open to Killen to obtain a copy of the information from the Petty Sessions clerk. I shall also be happy to show the hon. Member a copy of the information in my possession if he will be good enough to confer with me on the subject.

MR. MAURICE HEALY (Cork): What right had the Resident Magistrate to try the case out of the Petty Sessions?

COLONEL KING-HARMAN: That is a question of law. I must ask the hon. Member to refer to the Attorney General for Ireland.

MR. MAURICE HEALY: I would ask the Attorney General for Ireland if the Resident Magistrates in Ireland have power to try cases of this character in this manner?

MR. T. P. O'CONNOR (Liverpool, Scotland): I would ask the right hon. and gallant Gentleman whether it is a fact that this Major Traill is the same magistrate who some time ago was reprimanded for precisely the same conduct—trying a number of prisoners out of the Petty Sessions—and who was excused on the ground of his ignorance of the law?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I am not aware of the circumstances mentioned by the hon. Member for the Scotland Division of Liverpool. With regard to the question put by the hon. Member for Cork (Mr. Healy), as far as I can gather it is irregular to try cases in the manner stated in this question.

MR. MAURICE HEALY: That being so what steps do the Government propose to take to redress the wrongs inflicted on these people?

MR. T. P. O'CONNOR: May I ask the right hon. and gallant Gentleman, if he finds that Major Traill has been guilty of an irregularity in trying cases out of Petty Sessions, and that he was previously reprimanded on the same grounds, whether he will consider the desirability of removing him from a position he is evidently unfitted to hold?

COLONEL KING-HARMAN: I can hardly answer that question until Major Traill's explanation is heard. If the facts are as stated no doubt the Government will take steps in the matter.

MR. SEXTON (Belfast, W.): I would like to ask whether this man Killen is to be left to serve out three months' imprisonment, to which, on the avowal of the Attorney General for Ireland, he has been sentenced.

COLONEL KING-HARMAN: I understand he is not in prison. He found the sureties, and was discharged.

EGYPT (FINANCE, &c.) — REPORTED DEFICIT.

MR. JENNINGS (Stockport) asked the Under Secretary of State for Foreign Affairs, Whether there is any truth in the report that there is a deficit in the Egyptian Budget; and, if so, what is the amount of such deficit, and whether it is to be met from Egyptian or British funds?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): Until the year is completed, and the accounts of the year's Expenditure and Revenue have been received, it is impossible to say with certainty what surplus or deficit there may be. But the deficit, if there is one, will not be met out of British funds.

WAR OFFICE (ORDNANCE DEPARTMENT)—ACCIDENT AT THE SMALL ARMS FACTORY, ENFIELD.

MR. BRADLAUGH (Northampton) asked the Surveyor General of Ordnance, Whether R. Langton was, on the 4th February, whilst properly working in the Small Arms Factory, Enfield, permanently injured on the eye by a chip of hot gun-metal from the lathe of a fellow workman; and, whether R. Langton has, in consequence of his being so injured, been offered a reduced wage—*i.e.*, 22*s.* 6*d.* per week, in lieu of 36*s.* per week?

THE SURVEYOR GENERAL (Mr. NORTHCOTE) (Exeter): My noble Friend the Member for the Enfield Division (Viscount Folkestone) has already brought this case to the notice of the Secretary of State. The facts are substantially as stated. The question of compensation is still under the consideration of the Treasury; and I propose to make personal inquiry into the case.

IRELAND—THE CONSTABULARY COMMITTEE, 1883.

MR. FLYNN (Cork, N.) (for Mr. HOOPER) (Cork, S.E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, What positions the gentlemen who formed the late Constabulary Committee (1883) now hold?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: the Committee was composed as follows:—Mr. O'Shaughnessy, Registrar of Petty Sessions Clerks; Mr. R. W. A. Holmes, Treasury Remembrancer in Ireland; and Mr. David Harrel, R.M., now Commissioner of the Dublin Metropolitan Police.

METROPOLITAN BOARD OF WORKS—THE NORTHERN OUTFALL SEWER.

COLONEL MAKINS (Essex, S.E.) asked the Secretary of State for the Home Department, Whether it is true that the sluices of the Northern Outfall Sewer have been opened daily from the 18th to the 28th July inclusive for two or three hours before the tide turned; whether the effect of such premature opening of the sluices is that the sewage is sent up the stream and pollutes the water at Woolwich and other places higher up; whether such pollution has caused much complaint as being dangerous to the health of the residents; and, whether he will take steps to induce the Metropolitan Board of Works to discontinue the practice of opening the sluices before high water?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): Yes, Sir; it is a fact that these sluices are being opened before the tide ceases to flow, and that, accordingly, a certain quantity of sewage goes up the river, thus causing much complaint. I am informed by the Metropolitan Board of Works that extensive works are being carried on at the northern outfall for the purpose of purifying the sewage; and in order to carry on this work with safety it is necessary to keep one of the four compartments of the reservoir empty, and to maintain the sewage in the other three compartments at a lower level. The reservoir space being thus restricted the sluices have for the present to be opened before the tide has ceased to flow. I am assured that the works are being actively pressed forward in order that the necessity for thus opening the sluices may terminate as soon as possible. I regret, on behalf of the inhabitants of the banks, that the necessity entailing such consequences should have arisen.

INLAND NAVIGATION AND DRAINAGE (IRELAND)—THE LOWER BANN.

SIR WHITTAKER ELLIS (Surrey, Kingston) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Government have in contemplation any schemes in reference to the navigation of the Lower Bann; whether any contemplated works will destroy the water power existing at what is known as the Cuts, just above Coleraine; and, whether provision has been made for the preservation of the fisheries, which are of so much importance to the City of Londonderry and the Town of Coleraine?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Question put by my hon. Friend is premature in the present state of affairs. The points referred to, however, have not been lost sight of, nor will they when definite designs for the improvement of the Bann are being prepared.

RAILWAYS—CAPITAL, RECEIPTS, AND EXPENDITURE, 1886.

MR. COBB (Warwick, S.E., Rugby) asked the Secretary to the Board of Trade, When copies of the Return as to the Capital, Traffic Receipts, and Working Expenditure of Railway Companies for 1886, which was laid upon the Table of the House on the 28th July, will be obtainable by the public; and, whether he will take steps in future to expedite the publication of these Returns?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): The Return referred to was sent to the printers on the 28th July, and I trust that it will soon be in the hands of Members. The Board of Trade have, however, no authority over the printers. I am most desirous for the early publication of the Return; but there is considerable difficulty in procuring the necessary information from some of the smaller Railway Companies.

THE IRISH PRIVY COUNCIL.

MR. MAC NEILL (Donegal, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true, as stated in the Press, that a meeting of the Irish Privy Council was held on Saturday last, in Dublin Castle, at which the Lord Lieutenant, the Lord Chancellor of Ireland, Lord Justice Barry, the right hon. S. Woulfe Flanagan, Mr. Justice Monroe, and the Attorney General for Ireland were present; with the exception of the Lord Lieutenant and the Attorney General were all the other Members of the Privy Council who attended that meeting judicial personages; and, would he have any objection to inform the House of the nature of the business for which the presence in the Privy Council of members of the Irish Judiciary was considered necessary?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): Perhaps the hon. Gentleman will allow me to answer the Question. I answer the first and second paragraphs of the Question by saying "Yes." With regard to the third paragraph I cannot gratify the hon. Gentleman's curiosity, because the Members of the Privy Council are bound by their oaths not to disclose what takes place at their meetings. I may, however, mention, as the hon. Gentleman appears to feel an interest in the matter, that on Saturday last I went to Dublin. I arrived there at half-past 5. I reached the Privy Council at 6, and it was summoned to meet at that hour. The meeting took about three or four minutes; and it appears from the newspapers that the Attorney General for Ireland was sworn in and that some education schemes were signed. I cannot gratify the curiosity of the hon. Gentleman any further.

ROADS AND BRIDGES (IRELAND)—THE BRIDGE AT COROUGHMARKEE, CO. TIPPERARY.

MR. MAYNE (Tipperary, Mid) asked the Chief Secretary to the Lord Lieutenant of Ireland, If he is aware that the bridge at Coroughmarkee, on the public road between the villages of Doon and Kilcommon, County Tipperary is, and has been for a considerable time, in a dangerous state; and, whether the Grand Jury have taken any steps to have it put into proper repair?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: I am informed that steps have been taken to remedy the dangerous condition of this bridge. A delay, however, arose through the death of the first contractor. A second contractor has been appointed. Pending the carrying out of the necessary repairs, a temporary pass has been substituted.

BURIALS ACT — THE BATTERSEA BURIAL BOARD—THE SUTTON SITE.

MR. TOMLINSON (Preston) asked the Secretary of State for the Home Department, Whether the Battersea Burial Board is constituted under 15 & 16 *Vict. c.* 85, ss. 10 and 11; and, if so, whether their application to the Home Secretary to use the Rose Hill Park site, Sutton, Surrey, for burial purposes is, made under sec. 6, 16 & 17 *Vict. c.* 134, which renders an application to Parliament, as suggested, totally unnecessary; and, if he will state from what source he has ascertained that the majority in Sutton object to the use of the land as proposed?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The Board is constituted as stated in my hon. Friend's Question. It is true that an application to Parliament is not necessary; but a successful application to Parliament would make it unnecessary to apply to the Secretary of State to dispense with the Order in Council prohibiting burials in Sutton, and would afford the best means of settling the points in controversy between supporters and opponents of the scheme. My information as to the public opinion in Sutton was derived from the various Reports, Memorials, and Petitions before me; but I must not be understood to have stated positively that the objectors are in a majority, although that was my impression.

CUSTOMS REVENUE—THE PORT OF BELFAST.

MR. SEXTON (Belfast, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the amount of Customs Revenue collected at Belfast last year was 50 per cent greater than at Glasgow, 50 per cent greater than at Bristol, about three times as much as at Leith, and about 14 times as much as at Hull; whether the amount of Revenue generally determines the status of a port; whether the strength of the Customs' staff is greater at Leith and Bristol, and much greater at Hull and Glasgow, than at Belfast; whether the shipping of Belfast, including the foreign and coasting trade, reaches a higher total than that of any other of the above-named ports; whether the Customs expenditure at any of the other above-named ports is greater than at Belfast; and, what steps the Government propose to take to end the disparity of treatment?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: I will give the information which I have received from the Treasury. The amount of revenue collected by Customs officers at Belfast last year was about 50 per cent greater than at Glasgow, 50 per cent greater than at Bristol, three times as much as at Leith, and 14 times as much as at Hull. The amount of revenue collected at a port does not by itself determine the status of a port, as the collection of revenue forms only a small part of the duties which have to be performed by Customs officers. The number of persons employed by the Customs at the Ports of Leith, Bristol, Hull, and Glasgow, are larger than the number employed at Belfast—the staff of established and extra men at each of the ports being as follows:—Belfast, 103; Bristol, 118; Leith, 108; Hull, 189; Glasgow, 182. The shipping of Belfast, including the foreign and coasting trade, reaches a higher total than at the other ports named; but the shipping at Belfast is mainly employed in the coasting trade, whereas at the other ports there is large foreign trade. The expenditure on the Customs establishment is greater at Glasgow, Hull, and Bristol than at Belfast; but it is less at Leith than at Belfast. The staff and consequent expenditure at the several ports is regulated by the amount and the nature of the work at each, and the Board of Customs see no cause for changing the present arrangements.

ARMY DISCIPLINE ACT—THE ROYAL MARINE FORCES ON SHORE.

CAPTAIN COLOMB (Tower Hamlets, Bow, &c.) asked the First Lord of the Admiralty, Whether the Royal Marine Forces on shore are under the Army Discipline Act; whether, in connection with Her Majesty's Jubilee, special favour has been extended to Army offenders against certain provisions of that Act; and, whether similar special favour has been extended to Marine offenders against the same provisions of the same Act?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): The Royal Marine Forces, when serving on shore, are under the Army Discipline Act. In connection with Her Majesty's Jubilee, and in accordance with Her Majesty's Proclamation, pardon has been extended to soldiers who may have deserted from our Land Forces and shall report themselves within certain periods, and an amnesty was granted to certain classes of military offenders undergoing imprisonment on the 21st of June. This special favour has not been extended to Marine offenders against the same provisions of the same Act, as Marines, not being part of Her Majesty's Land Forces, do not come within the scope of the Proclamation or the amnesty; but in cases where Marines having offended against certain provisions of the Army Act surrendered under the impression that they were entitled to pardon under the terms of the Royal Proclamation they have been specially pardoned. Men under imprisonment for absence without leave received remission of punishment.

LAW AND POLICE (METROPOLIS)—ARREST OF MISS CASS.

MR. ATHERLEY-JONES (Durham, N.W.) asked the Secretary of State for the Home Department, When it is intended to publish the Report of the Chief Commissioner of Police in the case of Miss Cass; when the decision of the Lord Chancellor with regard to Mr. Newton will be made known; and, whether the Government will take care that no unnecessary delay in relation thereto be permitted?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The Papers relating to the case of Miss Cass have been sent to the Law Officers of the Crown for advice on legal points. Care will be taken that no unnecessary delay shall take place in obtaining that advice, and deciding what further proceedings shall be taken in consequence of the advice given. Before the decision is arrived at it is not in my power to say when the Reports of the Chief Commissioner of Police and the Lord Chancellor will be communicated to the House.

MR. JAMES STUART (Shoreditch, Hoxton): Will they be laid on the Table of the House?

MR. MATTHEWS: I should judge that if the Reports are published at all they will be published in that shape.

MR. ATHERLEY-JONES: Might I ask whether the Lord Chancellor has arrived at any conclusion; whether the right hon. Gentleman has any knowledge when the Lord Chancellor will arrive at any conclusion; and whether any steps will be taken to prevent the matter being unnecessarily delayed?

MR. MATTHEWS: Certainly, Mr. Speaker. I have already stated to the hon. Gentleman that steps will be taken to prevent any unnecessary delay occurring, and that steps are being taken to get the opinion of the Law Officers. As soon as that opinion is obtained—which, I hope, will be shortly—the decision of the Government will be arrived at.

MR. ATHERLEY-JONES: The right hon. Gentleman has not quite understood me. What I am asking him is with regard to the action of the Lord Chancellor in respect to Mr. Newton, not with regard to the Report of the Chief Commissioner.

MR. MATTHEWS: I have told the hon. Gentleman that the action and decision of the Lord Chancellor cannot be communicated to the House until the Government have decided what further steps they think should be taken in the whole matter.

MR. JAMES STUART: I would ask whether the matter will be before the House before the Civil Service Estimates are concluded?

MR. MATTHEWS: I have every reason to hope so.

MR. HENEAGE (Great Grimsby): Does the right hon. Gentleman mean that the decision of the Lord Chancellor in the case of Mr. Newton has been sent to the Law Officers of the Crown for their opinion?

MR. MATTHEWS: No.

MR. HENEAGE: Then why are we not allowed to have it?

MR. MATTHEWS: If the right hon. Gentleman considers the matter for a moment, he will see that the decision of the Lord Chancellor may very possibly bear a weighty influence on the proceedings that may take place.

MR. ATHERLEY-JONES: I beg to give Notice that I will repeat my Question on Monday.

JAPAN—THE COMMERCIAL TREATY.

MR. O. V. MORGAN (Battersea) asked the Under Secretary of State for Foreign Affairs, Whether he can state when the Japanese Treaty is likely to be concluded?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): The Conference which has been sitting at Tokio for the revision of the Treaties between Japan and Foreign

Powers has been postponed by the Japanese Government *sine die.* Her Majesty's Minister in Japan is coming home, and will confer with Her Majesty's Government on the subject.

ARMY—CONTRACTS—REPORT OF THE COMMITTEE ON THE MANUFACTURING DEPARTMENTS.

Mr. D. CRAWFORD (Lanark, N.E.) asked the Secretary of State for War, Whether he intends to give effect to the recommendations of the Committee on the Manufacturing Departments of the Army, as to removing the restrictions on competitions for contracts; and in particular the recommendation that the terms of the tenders accepted should be published?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle), in reply, said, that the recommendations were of great importance, and he was considering the subject as a whole. He hoped very soon to be able to make his views public, and to submit them in a complete form. He would then state what changes he proposed to make in consequence of the Reports of the Royal Commission and of Lord Morley's Committee.

PROBATE REGISTRY OF SOMERSET HOUSE—SCHEME OF RECONSTRUCTION.

Mr. CONYBEARE (Cornwall, Camborne) asked Mr. Chancellor of the Exchequer, Whether he will give the House an opportunity of considering the proposed scheme of reconstruction in the Probate Registry of Somerset House before it is sanctioned; whether some 20 gentlemen have already received notice of retirement; and, whether he can state their ages, length of service, and the compensation pensions (if any) which they will receive?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): I presume that by the Probate Registry the hon. Member means the Probate, Legacy, and Succession Duty Office, the re-organization of which has been for some time under consideration. It is proposed to retire 17 gentlemen; and, as I have already stated in this House, notice has been given to them. Of these gentlemen six are over 60; seven between 50 and 60; one 49; and three 47. Four have served over 40 years; 11 between 30 and 40 years; one 29; and one 28. Six of them are entitled to immediate retirement, and have fully earned by service the pensions which they will receive. To the others, in addition to the pensions which their service has earned, will be given, as compensation on abolition, amounts varying from £20 to £90 a-year. Even allowing for this compensation, which amounts to rather over £900 a-year, there will be, as I have already stated in the House, a net annual saving of more than £5,500 by the re-organization. It has never been the practice of Her Majesty's Government to submit details of administration, such as schemes of re-organization of Public Departments, to the House, and I see no reason for making an exception to this rule in the present instance.

ADMIRALTY—GUNNERY INSTRUCTORS.

Mr. CONYBEARE (Cornwall, Camborne) asked the First Lord of the Admiralty, Whether in accordance with the Queen's Regulations, gunnery instructors are entitled to an additional pay of 8*d.* per day when instructing the crews of their several ships; whether a limited number of the men are detailed for this duty on the gunnery ship *Cambridge* at Devonport; but that, owing to the numbers being too small, an additional number are required to do duty both on this ship and also on the *Foudroyant;* and, whether it is the fact that these latter are not allowed the additional payment of 8*d.* per day; and, if so, whether he will arrange for them to receive the same pay as the others when engaged upon the same duties?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): The pay of gunnery instructors is 8*d.* a-day extra for instructing duties. All men qualified as gunnery instructors are entitled to this extra allowance when employed on instructing duty. Nothing is known at the Admiralty as to the employment of additional instructors on board the *Cambridge* and *Foudroyant;* but the captain of the *Cambridge* will be ordered to report on this point on his return from the naval manœuvres where he is at present employed.

BANKRUPTCY LAW—"SMALL BANKRUPTCIES."

MR. DIXON-HARTLAND (Middlesex, Uxbridge) asked the Secretary to the Board of Trade, Whether any Rules about small bankruptcies, now under his consideration and that of the Lord Chancellor, to amend the grievance he has admitted, will be retrospective, as far as unclosed bankruptcies are concerned; and, whether he will give instructions to his officials not to close any such estate still open, to which they will apply, until such rules are decided upon?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): The hon. Member appears to be under a misapprehension. No opinion has been expressed upon the particular grievance alleged by him. But, as previously stated, the subject of the law of disclaimer, including the question raised by the hon. Member, is under consideration, with a view to the removal of any anomalies which may be found to exist, either by further legislation or otherwise. The Board of Trade are not prepared, in the meantime, to interfere with the administration of the Bankruptcy Act, as suggested by the hon. Member.

WAR OFFICE — PROTESTANT ARMY CHAPLAINS AT CORK.

DR. TANNER (Cork Co., Mid) asked the Secretary of State for War, If he will state the numbers and remuneration of the Protestant chaplains, whether on the Establishment or otherwise, at Cork, and the approximate number of the Protestant soldiers attending their ministrations; and, the number and remuneration of the Catholic chaplain or chaplains at the same station, and the approximate number of Catholic soldiers there?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): Exclusive of the military prison at Cork there are at that station one Church of England commissioned chaplain, with 17*s*. 6*d*. a-day with allowances, and also one Presbyterian and one Wesleyan officiating clergyman, who are paid at capitation rates; the soldiers of their respective denominations are approximately, 577 Church of England, 506 Presbyterians, and 36 Wesleyans. There is one Catholic chaplain paid at capitation rate, and the Roman Catholic soldiers are approximately 155.

EDUCATION DEPARTMENT—SCIENCE AND ART DEPARTMENT, SOUTH KENSINGTON—SICK PAY.

MR. O. V. MORGAN (Battersea) asked the Vice President of the Committee of Council on Education, with regard to the mechanics and labourers employed at the Science and Art Department, South Kensington, Whether he is willing to increase their limit of time for sick pay during illness from 16 to 28 days; whether he is prepared to mak an addition of 12 days to their presen holidays; and, whether he is prepared to place them generally on the same terms as the messengers and attendants employed in the Department?

THE VICE PRESIDENT (Sir WILLIAM HART DYKE) (Kent, Dartford): In accordance with the arrangements made with the Treasury, the artizans and labourers are taken on without examination by the Civil Service Commissioners at the ordinary market rate of the building trade. I am in correspondence with the Treasury on the subject of their sick pay; but I am not prepared to recommend any other change, or to place them on the same footing as the messengers and attendants, who have to obtain Civil Service certificates.

ROYAL IRISH CONSTABULARY—ALLEGED IRREGULARITIES AT PIKE BALLINGARRY, CO. TIPPERARY.

MR. P. J. O'BRIEN (Tipperary, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to a recent scandal at the police station of Pike Ballingarry, county Tipperary; whether Police Sergeant M'Clintock, in charge at that station, had, in the month of November, 1886, discharged the barrack servant without cause, and substituted in her stead a woman of reputed bad character, and against the rules of the Service, she being unmarried and but 32 years of age; whether the sergeant reported her as being of the age of 45 years; whether he allowed her to remain for months in the station after it being reported she was cohabiting with one of the men; whether she subsequently charged Sub-Constable Cruise, of that station, with being the father of her child born on the 8th of July last; whether Sergeant M'Clintock, in his Report to the County Inspector, sought to fix the paternity on a constable named Farrington, in face of the woman's own statement incriminating Cruise; whether the only punishment inflicted on Sub-Constable Cruise was his removal from Pike Station at the public expense; and, whether he will cause full inquiry to be made into the entire conduct of Sergeant M'Clintock in this matter?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Inspector General of Constabulary reports that in October last Sergeant M'Clintock, of Pike Station, reported to his officer, who was inspecting the party there, that he had been obliged to obtain a new barrack servant, the present servant being almost useless, owing to extreme old age. The officer, at the sergeant's request, saw the woman, and gave his sanction to her employment, she being, as appeared to him, quite elderly. The Regulation requires that the servant be either an elderly or a married woman. It is difficult to procure a barrack servant at Pike. The sergeant stated that the woman was 43 years of age. Soon after an anonymous letter was received by the County Inspector that the woman was of immoral character. It was then ascertained that, though she bore a good character in recent years, she had had an illegitimate child 16 years before. This fact led the sergeant to inquire particularly into the case, and from what he ascertained he decided to discharge her, which accordingly was done. She appears to have been three or four months employed as a servant; but there was no evidence that any impropriety occurred during that period. This woman did make a charge against Constable Cruise of having intercourse with her; but he denied it. The allusion to Constable Farrington in the Report referred to merely stated that Constable Cruise had said to a comrade that Farrington would prove, if necessary, that he (Cruise) was not guilty of the alleged offence. The whole case was fully inquired into, and it was found that none of the charges made were capable of proof; and also that there was every reason to believe that when Sergeant M'Clintock employed the woman he fully believed that her character was good.

WAR OFFICE—ROYAL MILITARY ACADEMY, WOOLWICH—ADMISSION OF CANDIDATES.

MR. C. HALL (Cambridge, Chesterton) asked the Secretary of State for War, Whether, having regard to the much higher standard passed by the candidates for admission to Woolwich Academy in July last than in December, 1886, he will give instructions that as many more than the 60 successful candidates mentioned in the published list may be admitted as is possible, several of the unsuccessful candidates having obtained 1,600 marks more than the last candidate admitted in December, 1886?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): The limit to the admission of candidates to Woolwich is the accommodation for cadets afforded by the Royal Military Academy. I find that accommodation is already taken up to the very utmost.

PARLIAMENTARY REGISTRATION (IRELAND) ACT, 1885—SECTION 19—THE VOTERS' LISTS, LOUTH, CO. DUBLIN.

SIR THOMAS ESMONDE (Dublin Co., S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that the voters' lists were not posted up at the time prescribed by the 19th section of the "Parliamentary Registration (Ireland) Act, 1885," in several districts of Louth, County Dublin; and, whether a similar neglect of the provisions of the Act by the authorities has occurred during the past two years; and, if so, who is responsible, and what steps the Government intend taking in the matter?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, he was informed that the Deputy Clerk of the Peace, so far as he was aware, had all the notices posted on the 22nd of July, except in two districts of South Dublin where the posting was omitted. On representations being made to him, he at once, on the 27th of July, had the additional postage done. He was not aware of the omission of the postage of notice in the years 1885 and 1886, with the exception of two districts in each year, of which he was informed.

MR. CHANCE (Kilkenny, S.): Would the right hon. and gallant Gentleman be good enough to tell us whether the Clerk of the Peace does not permanently reside out of the United Kingdom, and performs his duty through a substitute, who obtains a very small salary?

COLONEL KING-HARMAN: I have no knowledge of such a thing.

MR. CLANCY (Dublin Co., N.) said, as he knew of his own personal knowledge that these notices were never posted in time in South Dublin, he would like the right hon. and gallant Gentleman to inform him who was responsible for the omission?

COLONEL KING-HARMAN said, undoubtedly the Clerk of the Peace was responsible, except in those cases in which the Constabulary posted the notices.

MR. CLANCY: The Clerk of the Peace in Dublin sent these papers to Dublin Castle to be then posted, and the parties at Dublin Castle did not take any steps in the matter.

COLONEL KING-HARMAN: What I understand occurred in regard to these two districts is this—the Clerk of the Peace sent the whole of the papers to the Constabulary, with a request to post them. The Constabulary declined to post them unless they were directed to do so, and consequently the delay arose.

MR. CLANCY asked the Attorney General for Ireland who was responsible for this omission?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton) said, the officer who was bound by the Act of Parliament to see that these matters were carried out was the Clerk of the Peace; and if the Clerk of the Peace, or his deputy, failed they were liable to a fine, and a penalty was also recoverable from them for this neglect.

MR. CHANCE asked, how was it possible to recover a penalty from the Clerk of the Peace, considering that he had resided in Morocco for the last 30 years?

MR. GIBSON: I am not in the least aware of the habitat of the Clerk of the Peace.

BURMAH (UPPER)—LEASES OF THE TEAK FORESTS.

MR. HUNTER (Aberdeen, N.) asked the Under Secretary of State for India, Whether he has made inquiries as to the Memorials presented by merchants to the Government of India with respect to the leases of the teak forests in Upper Burmah, and what answer has been given to those Memorials by the Government; whether any experts in forestry have been employed by the Indian Government to ascertain the condition of the teak forests; whether it has been found that a very large number of trees have been prematurely girdled or cut by the Bombay Burmah Trading Corporation, and great damage has been done to the forests; whether the Government of India contemplate the continuance or prolongation of the leases granted by King Theebaw to that Company, and upon what terms as to payment or otherwise; whether the Government will lay before the House any Reports as to the extent to which young trees have been cut down; and, whether, before any decision is arrived at to continue the monopoly of teak in the hands of the Bombay Burmah Trading Corporation, an opportunity will be given for the consideration of the question by the House?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): The inquiry promised by me on July 15 is being made by means of a Despatch, and sufficient time has not elapsed to obtain an answer from the Government of India. The Government of India have not yet furnished the Secretary of State with information as to the steps they are taking to ascertain and improve the condition of the teak forests, nor as to the result of their inquiries. It has been alleged that the Government of India are under legal obligations to the British Burmah Company by reason of certain contracts entered into between that Company and King Theebaw. The extent of the obligations has not yet been determined; but the Government of India does not contemplate the grant of any further monopoly of teak beyond the rights, if any, which the British Burmah Company already possess.

CUSTOMS—SEARCHING OF LUGGAGE —THE HON. P. A. COLLINS.

Mr. TUITE (Westmeath, N.) (for Mr. P. O'Brien) (Monaghan, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that the Hon. P. A. Collins, who is a Member of the Massachusetts Congress, U.S.A., is reported to have stated, on the occasion of receiving the freedom of the City of Dublin, 2nd August, that—

> "On arriving in Ireland he had had his luggage searched, and had since been honoured with an escort of Government detectives;"

and, whether it is true that Mr. Collins has been so watched; and, if so, was it by directions of the Government, or by whose authority?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: In accordance with a practice which has existed for some years past, the luggage of Mr. Collins was, in common with that of other persons, searched. It is not the case that he has had an escort of detectives.

Mr. SEXTON (Belfast, W.): I will ask the right hon. and gallant Gentleman if he will inquire whether the detectives are still shadowing this distinguished gentleman; and, if so, that he will direct them to abate the nuisance?

Colonel KING-HARMAN: I will make inquiries.

LABOURERS (IRELAND) ACTS—COTTAGES IN THE MILLSTREET UNION.

Dr. TANNER (Cork Co., Mid) asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is correct, as stated, that 133 cottages have been applied for by the Millstreet Union under the Labourers' Acts (Ireland), and that 108 have been authorized by the Local Government Board, and that there are neither any cottages erected or in course of construction; what is the cause of the delay; has £56 6*s*. been expended in Medical Reports under such circumstances, while £42 5*s*. 6*d*. has only been spent in the Macroom Union, where 420 cottages are applied for and 315 authorized by the Local Government Board; and, why has the Local Government Board paid £39 7*s*. in the Millstreet Union and only £43 17*s*. 3*d*. in the Macroom Union for solicitors and counsel, with the above-mentioned unequal results?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: As this Question only appeared on the Paper this morning, I have not yet had time to communicate with the officers in the neighbourhood.

Dr. TANNER: What time will it suit the convenience of the right hon. and gallant Gentleman to answer the Question again?

Mr. SPEAKER: Order, order!

INDIA (BOMBAY)—THE CAMA WOMEN'S HOSPITAL—THE FEMALE MEDICAL OFFICERS.

Sir JOHN LUBBOCK (London University) asked the Under Secretary of State for India, If he would explain why the appointment of a female medical officer to the Cama Women's Hospital at Bombay was limited to five years, when Government had promised Mr. Cama to carry on the hospital under female superintendence without any limitation as to time; whether there is any reason why the conditions of continuous service and pension should not be assured to female medical officers as to male, in order to secure the service of competent persons for such responsible charges; and, if the doubt thus thrown upon the continuance of the employment of medical women by Government in India has caused the suspension of similar benefactions for the erection of hospitals for women in Western India?

The UNDER SECRETARY of STATE (Sir John Gorst) (Chatham): The reasons given by the Government of India for limiting to five years the appointment of a female medical officer to the Cama Hospital at Bombay were:—The possibility of hereafter providing for the maintenance of the Cama Hospital on the grant-in-aid system; the fact that the medical education of women in India is yet only in its infancy. The Secretary of State knows no reason why there should be any difference in the conditions of service of male and female medical officers, and he will commend an equality of treatment to the consideration of the Government of India. The Secretary of State has not heard of the suspension of any benefactions for the erection of hospitals for women in India from the cause stated.

MINES REGULATION ACTS — EXAMINATIONS FOR MANAGERS' CERTIFICATES.

Mr. CUNNINGHAME GRAHAM (Lanark, N.W.) asked the Secretary of State for the Home Department, If it is the case that great diversity exists in the way in which examinations for managers' certificates are conducted in different districts; if in Durham district it is partly *vivâ voce* and partly in writing; if in Scotland it is wholly in writing; if he is aware that at the examination held at Edinburgh on 19th and 20th May, 1887, 12 candidates were present from Durham in order to escape the *vivâ voce* examination; if, on the occasion named, a misprinted plan of ventilation of a mine was supplied to candidates; whether he intends to return to candidates the whole or any part of their registration fee in consequence; what steps he intends taking to prevent the issue of such misprinted plans in future; and, whether he will so instruct the examiners that all examinations shall be conducted partly in writing and partly by question and answer?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.), in reply, said, the information asked by the hon. Member involved an inquiry of some detail. As soon as the Notice of the Question appeared he directed two Circulars and two special letters to be despatched requesting information on the points raised in the Question. Replies had not yet been received; but he would be happy to communicate their purport when they reached his hands.

POST OFFICE—RURAL LETTER CARRIERS—BANK HOLIDAYS.

Mr. ROE (Derby) asked the Postmaster General, If there is any reason why rural letter carriers should not have the same privilege on Bank Holidays that is now given them on Good Fridays, Christmas Days, and was granted them on the Jubilee Day?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): In reply to the Question of the hon. Member, I beg to state that there is a wide distinction between an ordinary Bank Holiday and the holidays of Good Friday and Christmas Day. The latter two days are—at any rate in England and Wales—universally observed as close holidays; but that is not by any means the case with other Bank Holidays, especially in the rural districts. While I am at all times ready to consider any practicable relaxation of the postman's duty, I cannot shut my eyes to the probability that any arrangement by which the privilege of an afternoon collection of letters would be withdrawn, if rural postmen were allowed to omit such collection on a Bank Holiday, would give rise to widespread complaint and occasion a great deal of public inconvenience.

METROPOLITAN POLICE—POLICE CONSTABLE BUTLER.

Mr. PICKERSGILL (Bethnal Green, S.W.) asked the Secretary of State for the Home Department, Whether he can now state what decision has been come to with reference to the alleged misconduct of Police Constable Butler in striking Miss Parton at the Clerkenwell Police Court on the 16th of June; and, whether Constable Butler is still warrant officer at the Clerkenwell Police Court?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): I am informed by the Commissioner of Police that Police Constable Butler has been reprimanded, cautioned, and removed from further duty at the Clerkenwell Police Court. This police constable is reported as a patient, steady man, with 20 years' service, during 12 of which he has been warrant officer at the police courts, with no report against him, except a case of trivial carelessness 11 years ago.

HOME OFFICE—BOLTON—WITHDRAWAL OF TROOPS.

Mr. BRADLAUGH (Northampton) asked the Secretary of State for the Home Department, Whether he has received any communication from Major Knox, commanding the troops temporarily stationed at Bolton, expressing the opinion that the further retention of the military in that town is unnecessary; whether complaints have reached him that the continued presence of this extra military force is obnoxious to the ratepayers, and is producing irritation amongst the population; and, whether, under these circumstances, the Government will consider the advisability of the withdrawal of the troops?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): Yes, Sir; such a communication was forwarded to me from the War Office on the 20th ultimo. I have no information to the effect that the continued presence of the military is obnoxious to the ratepayers. On the 29th ultimo the Justices of the borough forwarded me a Resolution, in which they declined to take the responsibility of dispensing with the assistance of the military. The Mayor also strongly urged upon me that the detachment should be allowed to remain. Under these circumstances, I cannot advise their withdrawal.

LABOURERS (IRELAND) ACTS—THE COMMITTEE OF INQUIRY.

MR. W. J. CORBET (Wicklow, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, When the Committee he has promised, to inquire into the working of the Labourers (Ireland) Acts, will be nominated, and how it will be constituted?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The hon. Gentleman must have misunderstood the answer I gave on a previous day. What I said was that the Government would consider the possibility of appointing a Committee, and the question is still under consideration.

WAR OFFICE—THE NAVAL MANŒUVRES—THE DEFENCES OF FALMOUTH.

MR. W. G. CAVENDISH BENTINCK (Penryn and Falmouth) asked the Secretary of State for War, Whether, in view of the supposed capture of Falmouth by the Squadron of Admiral Fremantle, he will take steps to garrison Pendennis Castle and St. Mawe's, which have been unoccupied for many years, and put these forts into a proper state of defence, seeing they form the only means of protection for the most westerly harbour in England?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): I wish that I had funds at my disposal for improving the defences referred to; but I am afraid that there are other defensive services of greater urgency to which any available money must primarily be devoted.

MERCHANDISE MARKS LAW CONSOLIDATION AND AMENDMENT BILL—CIRCULAR TO FOREIGN POWERS.

MR. MUNDELLA (Sheffield, Brightside) asked the Under Secretary of State for Foreign Affairs, Whether, on the Merchandise Marks Bill receiving the Royal Assent, the Foreign Office will address a Circular to all the Powers who are parties to the Industrial Property Convention, calling their attention to the measure, and inviting them to give to British subjects the same protection against fraud which the Act will afford to the subjects of Foreign Powers?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): A Circular to that effect will be despatched as soon as the Royal Assent has been given to the Bill.

ORDNANCE SURVEY (IRELAND).

MR. ARTHUR O'CONNOR (Donegal, E.) asked the First Commissioner of Works, What steps, if any, the Government have taken to carry out the promises made in Committee of Supply in respect of the Ordnance Survey in Ireland?

THE FIRST COMMISSIONER (Mr. PLUNKET) (Dublin University): I am glad to be able to inform the hon. Member that the revision of the Ordnance Survey in Ireland will in future be carried out on the 25-inch scale, and that the necessary arrangements will be made with as little delay as possible.

ADMIRALTY—H.M. TRAINING SHIP "GANGES."

MR. W. G. CAVENDISH BENTINCK (Penryn and Falmouth) asked the First Lord of the Admiralty, Whether H.M. Training Ship *Ganges*, at present stationed in Falmouth Harbour, is commissioned without guns; whether the boys who are undergoing instructions in gunnery are obliged to proceed to Devonport for that purpose; and, whether he will take into consideration the advisability of permanently stationing a guardship or gunboat at Falmouth as a means of defence?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): Being only a training ship for boys, the *Ganges* carries no guns, except two for drill purposes. The final instruction in gunnery is carried out in the gunnery ship at Devonport, which has been found to be the most convenient course. It is not proposed to station a guardship or a gunboat at Falmouth permanently for purposes of defence.

WAR OFFICE—FORTIFICATIONS OF CHATHAM.

Mr. CAMPBELL - BANNERMAN (Stirling, &c.) asked the Secretary of State for War, Whether the construction of Fort Twydall, near Chatham, is now completed; and, what is the result of this new experiment in defensive works as compared with the older type of forts in respect of cost, time occupied in construction, and efficiency?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): One of the forts defending the Twydall position, near Chatham, is completed; the other will, I hope, be taken in hand next year, when some important experiments as to its construction have been carried out. Under certain conditions—as, for example, when a regular siege has not to be resisted—a fort of the Twydall type would be efficient, highly economical, and rapidly constructed; but there are many cases in which regular forts would still be indispensable.

SIR HENRY DRUMMOND WOLFF.

Dr. CAMERON (Glasgow, College) asked the Under Secretary of State for Foreign Affairs, If he would state the precise date on which salary as a public servant ceased to be paid to Sir Henry Drummond Wolff?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): In accordance with the practice followed in the Diplomatic Service, Sir Henry Drummond Wolff's emoluments ceased 10 days after his return to this country—namely, on the 3rd instant.

Dr. CAMERON: That being the fact, may I ask the right hon. Gentleman why he told me the other day that Sir Henry Drummond Wolff was not a Diplomatic servant when the interview with him and a representative of *The Observer* took place?

Sir JAMES FERGUSSON: Sir Henry Drummond Wolff's employment, as is well known, was in connection with a Special Mission; and because he received the usual number of days' pay on return to this country it does not follow that his employment was continued.

ADMIRALTY — APPOINTMENT OF PRINCE LOUIS OF BATTENBERG TO THE "DREADNOUGHT."

Mr. CONYBEARE (Cornwall, Camborne) asked the First Lord of the Admiralty, Whether he can state the names of the 22 officers junior to Prince Louis of Battenberg, who hold appointments of an almost similar character to his, with the names of the ships to which they have been appointed, and the nature of the service in which they are engaged; whether any, and which of them, have received promotion for special acquirements in gunnery or torpedo work; and, what is the exact date at which Prince Louis of Battenberg became naturalized as a British subject?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): If the hon. Gentleman will consult *The Navy List* for August, 1887, he will find all the information he asks for. Prince Louis of Battenberg became naturalized in 1868.

Mr. CONYBEARE: May I be permitted to tell the noble Lord that I spent a long time in consulting *The Navy List;* but apparently *The Navy List* differs from an answer the noble Lord gave me the other day, and therefore I put this Question.

Lord GEORGE HAMILTON: My statement is perfectly correct, and if the hon. Gentleman will consult the latest edition of *The Navy List*—namely, that for the present month, he will find that it is so.

CENTRAL ASIA — DELIMITATION OF THE RUSSO-AFGHAN FRONTIER.

Sir WALTER B. BARTTELOT (Sussex, N.W.) asked the Under Secretary of State for Foreign Affairs, Whether he has seen in the papers the following statement:—

> "That, on the settlement of the Russo-Afghan frontier, the Russian frontier has been moved forward between the Kushk and the Murghab some 18 miles in the direction of

Herat; that the area of the valley pastures now ceded to Russia is 1,220 square miles, whilst the Ameer only receives 40 square miles;"

and, if this statement, as the papers now affirm, is not correct, but that the arrangement made is a most fair and equitable arrangement, he will be good enough to state which version is the correct one?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): The statement is not correct. The Russian frontier is advanced 11½ miles towards Herat by the new arrangement. But this change has no strategical importance. The amount of land given up by Afghanistan in consequence of the restoration to the Saryk Turcomans of the lands previously occupied by them on the Kushk and Kashar is estimated at 825 square miles. The lands claimed by Russia near the Oxus, and now conceded to Afghanistan, are computed at 770 square miles, leaving a balance against Afghanistan of 55 square miles. In actual value the advantage is on the side of Afghanistan. On the whole, the settlement is equitable in the opinion of Her Majesty's Government.

In reply to Mr. ARTHUR O'CONNOR (Donegal, E.),

SIR JAMES FERGUSSON said: The lands have been assigned, as much as possible, according to existing possession, those now depastured by the Saryk Turcomans being left to them, and similarly those in possession of the Ameer and his subjects to Afghanistan.

EGYPT—ATTACK ON BRITISH OFFICERS.

MR. LABOUCHERE (Northampton) asked the Under Secretary of State for Foreign Affairs, Whether any Report has been received of the recent case of the shooting of two Fellahs in Egypt by a British officer, and the subsequent flogging of several of the inhabitants of the village where it occurred by British soldiers; whether any explanation has been given in the Report (if received) as to the law in Egypt with regard to the flogging of Natives by British soldiers; and, whether, if any Report or despatch upon the subject has been received, he will present it to the House?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): No Report has been received at the Foreign Office of any such incident since that which happened in March last, and of which I gave a very full account in reply to a Question from the hon. Member for Kirkcaldy (Sir George Campbell) on the 14th of April.

MR. LABOUCHERE asked, whether the answer given to the hon. Member for Kirkcaldy was not on information received by telegraph; and whether a detailed Report of the circumstances had not since been received?

SIR JAMES FERGUSSON said, his impression, speaking from memory, was that the account he gave to the House was from a detailed Report. If the hon. Gentleman wished to move for Papers there would be no objection to giving them.

BURIAL ACTS — BATTERSEA BURIAL BOARD—THE SUTTON CEMETERY SITE.

MR. O. V. MORGAN (Battersea) asked the Secretary of State for the Home Department, Whether, in view of the overwhelming public necessities of Battersea, with its 135,000 inhabitants, he has any objection to the Report of the Government Medical Officer under the Burials Acts, upon the Rose Hill Park Site, Sutton, being laid upon the Table of the House; and, whether, having regard to the extreme urgency of the matter for Battersea, the Government will, at the same time, lay upon the Table any official information with respect to any opposition which was not before the Inspector at the said inquiry; and, if so, will afford the Battersea Burial Board an opportunity of answering the same?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The Report of the Government Medical Officer on the proposed cemetery at Sutton is a Departmental Report, confidentially furnished to assist my Predecessor in coming to the decision which he gave refusing to sanction a cemetery in Sutton. I see no necessity for laying on the Table of the House that Report, or other official information since received; but I will give the Battersea Burial Board every opportunity to put forward whatever observations they think fit material.

IRELAND—MONSEIGNEUR PERSICO'S MISSION IN IRELAND.

COLONEL SANDYS (Lancashire, S.W., Bootle) asked the First Lord of the Treasury, Whether Her Majesty's Government are aware that there is in Ireland, at the present time, a Mission from the Pope of Rome, of which Monseigneur Persico, a Roman Catholic Prelate, is the recognized head; whether there is any reason to believe that this Papal Mission, though nominally a religious one, is practically a political inquiry into the present state of Ireland; and, whether the Pope, before sending a Mission of this character to a part of Her Majesty's Dominions, had asked for or obtained permission to do so from Her Majesty's Government?

MR. SEXTON (Belfast, W.): Upon this Question, Sir, I wish to ask you whether, in view of the fact that an Envoy from His Holiness the Sovereign Pontiff of the Catholic Church was lately received by Her Majesty the Queen, ordinary usage does not require that he should be described by his historical and accepted title, and not by that of the Pope of Rome, as it appears in the Question?

MR. SPEAKER: Order, order! I call on the First Lord of the Treasury. There is nothing irregular in the Question.

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): Her Majesty's Government are not aware that there is in Ireland at the present time a Mission from the Pope. So far as they are concerned, Monseigneur Persico is a private individual, travelling in Ireland for reasons best known to himself. No communication has passed between the Pope and Her Majesty's Government on the subject.

MR. P. O'BRIEN (Monaghan, N.): May I ask whether this most rev. gentleman's luggage was searched?

MR. SPEAKER: Order, order!

EMIGRATION TO THE COLONIES—IMPERIAL GUARANTEE OF FUNDS.

MR. KIMBER (Wandsworth) asked the First Lord of the Treasury, Whether, having regard to the large and increasing populations of the British Islands who are at present unable to find employment, and to the amount of land vacant in the Colonies which would be benefited by an increased population, and in view of the fact that capitalists in London are ready to provide funds for the emigration and settlement of this surplus population, he will consider the advisability of some scheme whereby the interest on the funds so advanced may be guaranteed by the Imperial Government in conjunction with each Colonial Government, such interest being counter-secured by redeemable rent-charge on the land settled or otherwise; whether the Government will, before Prorogation, give an opportunity for taking the opinion of the House on the subject, as suggested by the Marquess of Salisbury, so that it may be communicated to the Colonies during the Vacation; and, whether, if the Government have any doubt that the unoccupied lands of the Colonies have as ample power of producing sustenance and wealth as the other lands of the Empire from which its existing wealth and past sustenance have been derived, they will take steps to ascertain and inform the people of the fact?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): The question raised by my hon. Friend is one of great importance, and would require great consideration. I am afraid it will not be possible for Her Majesty's Government to give an opportunity before the Recess for a discussion on the subject. I am not aware that the Marquess of Salisbury has made any suggestion of the nature indicated in the second paragraph of the Question.

LAW OF LIMITED LIABILITY—LEGISLATION.

MR. T. HARROP SIDEBOTTOM (Stalybridge) asked the First Lord of the Treasury, Whether he can hold out any hope that the Government will consider the state of the law as to limited liability during the Recess, and introduce a Bill to amend it early next Session, remembering the satisfactory assurances given by the Prime Minister to an influential deputation so far back as the 28th January last, and the strong opinion entertained in the manufacturing districts that the law ought to be amended as soon as possible?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): The state of the law as regards limited liability will certainly receive the earnest consideration of Her Majesty's Government during the Recess, with a view to early legislation next Session.

GOVERNMENT PUBLICATIONS—SALE OF COPYRIGHT.

Mr. MUNDELLA (Sheffield, Brightside) asked the First Lord of the Treasury, When the Memorandum, promised early in the Session, as to the sale of copyright in Government publications, will be laid upon the Table?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster), in reply, said, he hoped the Memorandum would be laid on the Table before the Recess.

INLAND REVENUE DEPARTMENT—INSANITARY STATE OF THE OFFICES.

Mr. O'HANLON (Cavan, E.) asked the First Lord of the Treasury, Whether he is aware of the badly ventilated offices in which the officers of Inland Revenue have to do their work; whether gas has to be burnt the whole of the day to enable them to see the paper upon which they write; and, whether he will see that a change for the better be made in their case?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): If the hon. Member will send me particulars of any office in the Inland Revenue which answers to the description he gives, I shall be very glad to have inquiries made into the circumstances.

Mr. O'HANLON: I want to know, Sir, if it is the duty of a Member of Parliament to go fishing out abuses which ought to be set right by the Government?

Mr. W. H. SMITH: Certainly, if they put Questions.

Mr. O'HANLON: For the information of the right hon. Gentleman, I will direct attention to the office in Haydon Square, and I can give a few others.

Mr. SPEAKER: The hon. Gentleman may ask a Question; but he must confine himself to that.

BUSINESS OF THE HOUSE—SCOTCH BUSINESS.

Sir GEORGE CAMPBELL (Kirkcaldy, &c.) asked the First Lord of the Treasury, If, now that the Lord Advocate has met the Scotch Members, he can definitely say what Scotch Business is to be proceeded with this Session; and, if proceeded with, whether it is to be dealt with by discussion in the House, or to be subject to a condition that there is to be no serious discussion at a reasonable hour; and, whether the Secretary for Scotland Bill is to be proceeded with; and, if so, if it will be taken at an hour when some serious discussion is possible, and before a block operates?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): It is intended that Wednesday shall be appropriated for Scotch Business, and the order of Business will be settled with a view to the convenience of Members from Scotland as far as possible, and in the hope of getting through some measures in which they take an interest—such as, for example, the Secretary for Scotland Bill, the Technical Education Bill, Lunacy Districts Bill, and the Sheriff of Lanarkshire Bill. The Universities Bill will also be brought under the consideration of the House if there is time.

Mr. HUNTER (Aberdeen, N.) asked, when it was intended to read the Universities Bill a first time?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities): It will be in the hands of Members to-morrow morning.

Mr. HUNTER asked, if the Government really intended to press the Universities Bill three days after it was published?

Mr. W. H. SMITH: The subject, I believe, has been before the House for many years; but, as I said on a previous occasion, it is not desired to press a measure of this kind if, in the opinion of Members from Scotland, it is undesirable that it should be pressed.

Sir GEORGE CAMPBELL asked, how the knowledge of the convenience of Scotch Members was to be obtained if there was any difference of opinion?

Mr. W. H. SMITH said, the Government would undertake to decide which measure would be brought on.

In reply to Mr. Burt (Morpeth),

Mr. W. H. SMITH said, that the exigencies of Supply would render it necessary for the Government to devote all the available time next week to Supply; but he thought he might undertake to say that the Coal Mines, &c. Regulation Bill would be taken in Committee, and persevered with on Monday week.

Mr. FENWICK (Northumberland, Wansbeck) asked, whether it was the intention of the Government to proceed continuously with the Bill until it was finished?

Mr. W. H. SMITH: Yes; I thought I had said so.

In reply to Sir William Harcourt (Derby),

Mr. W. H. SMITH said, he hoped it might be possible to take the Allotments Bill at 10 or 11 o'clock on Monday or Tuesday.

Mr. W. E. GLADSTONE (Edinburgh, Mid Lothian) said, he hoped that an arrangement of a more definite character might be made in regard to a Bill which was undoubtedly of great general interest.

Mr. W. H. SMITH said, he would consider the suggestion; but he was under the impression that there would be comparatively little difficulty about the second reading; that there was a general desire that the Bill should be read a second time; and that the time for discussion would be really required in Committee. He would consider the suggestion, and state on Monday what course the Government proposed to adopt.

Sir WILLIAM HARCOURT remarked, that it was not proposed to oppose the second reading; but there would, no doubt, be a good deal of discussion in Committee.

In reply to Mr. Mundella (Sheffield, Brightside),

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square) said, he believed there was only one clause of the Post Office Savings Banks Bill which was opposed, while there were some other clauses which were, by consent, deemed very valuable. It was proposed to take the second reading to-night, if possible; and they might then be able to ascertain whether there was likely to be any prolonged discussion, or what prospect there was of a compromise.

Mr. DIXON-HARTLAND (Middlesex, Uxbridge) said, he did not know where the right hon. Gentleman had got his information about the opposition to this Bill being confined to one clause. They opposed the whole Bill, and their opposition would be very determined from that side.

In reply to Mr. Howell (Bethnal Green, N.E.),

Mr. W. H. SMITH said, the Post Office Savings Banks Bill was not a Money Bill, and it was not blocked.

Sir JOHN LUBBOCK (London University) asked, after what hour it would not be taken? The opposition was by no means limited to one clause, and the Bill would give rise to considerable discussion.

Mr. W. H. SMITH said, it would not be taken after 1 o'clock.

In reply to Mr. Shaw Lefevre (Bradford, Central),

Mr. W. H. SMITH said, the Civil Service Estimates would be taken next week.

In reply to Mr. Mundella,

Mr. W. H. SMITH said, he would state to-morrow more definitely when the Technical Education Bill would be taken. It had been suggested to him that if it were taken on Tuesday about 11 o'clock that would suit the convenience of hon. Members. But he would communicate with those specially interested in the measure, and see what arrangement would be most suitable.

Mr. BUCHANAN (Edinburgh, W.) asked, when the Technical Education (Scotland) Bill would be introduced?

Mr. W. H. SMITH said, it would be introduced to-morrow; and he hoped, as it was a mere corollary of the English Bill, adapted to the different circumstances of Scotland, it would not excite opposition on the part of hon. Members.

Sir JOHN SWINBURNE (Staffordshire, Lichfield) asked, whether the Tithes Bill would be proceeded with?

Mr. W. H. SMITH: I am not able to say.

Sir JOHN SWINBURNE: Will it be dropped?

Mr. W. H. SMITH: I am not able to say.

Mr. COBB (Warwick, S.E., Rugby) asked, if the First Lord of the Treasury could give the House any idea as to the probable hour at which the House would adjourn on Saturday?

Mr. W. H. SMITH said, he hoped to move that the Sittings of the House on Saturdays be held subject to the Wednesday Rule, so that the House should adjourn at 6 o'clock. He thought it would be for the convenience of the House that some such Rule should be in force.

CRIMINAL LAW — THE BABBICOME MURDER—JOHN LEE.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the Secretary of State for the Home Department, Whether it was true that John Lee, who in February, 1885, was convicted of the murder of Miss Keyse at Babbicombe, and whose capital sentence was subsequently commuted to penal servitude for life, had been set at liberty?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): No, Sir; there is no ground for the statement. The prisoner John Lee is at the present moment undergoing his sentence of penal servitude in the convict prison at Portsmouth.

MR. PICKERSGILL: Has the Home Office any information that another man has confessed to the murder under circumstances of peculiar solemnity?

MR. MATTHEWS: No, Sir; I have no such information.

MR. PICKERSGILL: Is the case of John Lee under consideration at present.

MR. MATTHEWS: No, Sir; it is not.

ORDERS OF THE DAY.

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SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

> "That a sum, not exceeding £1,232,500, be granted to Her Majesty, to defray the Charge for Retired Pay, Retired Full Pay, and Gratuities for Reduced and Retired Officers, including Payments awarded by the Army Purchase Commissioners, which will come in course of payment during the year ending on the 31st day of March 1888."

MR. HANBURY (Preston): I beg to move the reduction of the Vote by the sum of £950, which, as far as I can make out—although it is difficult to ascertain the actual pay—is the retired pay of General Sir John Adye, G.C.B. I have not put the Amendment down upon the Paper with any desire to enter into matters of detail in regard to the Vote, because I admit that it would be utterly impossible to discuss in any detail the items which go to make up either the Army, the Navy, or the Civil Service Estimates. But there is one question which I wish to bring to a very practical test—namely, a principle which is the very basis of all economy, and, what is better than economy, the efficiency of the Public Service. I desire to fix the burden of the responsibility; and if the Secretary of State for War does not think that responsibility has been brought home very directly to Sir John Adye in this case, it will be difficult to conceive any case in which responsibility can be brought home to any official whatever. That responsibility having been brought home, and Sir John Adye not having been punished, the Government will not be justified in punishing any official in future. What are the circumstances of this case? In the first place, a great offence has been committed. It has been admitted that the small arms—the cutlasses and sword bayonets—supplied to Her Majesty's Navy are utterly untrustworthy, inefficient, and unfit for service. I venture to say that if this had been found out in time of war, and not in time of peace, it would have been a still more serious matter. As it is, it cannot raise our *prestige* in the eyes of foreign nations, when they find out the carelessness with which our Army and Navy are armed. Fortunately, these defects have been discovered in a time of peace; but if it had been a time of war we might have had a great disaster indeed, and the punishment of Sir John Adye would have been something more than the mere withdrawal of his pay as an official. It is a surprising fact that although these untrustworthy weapons had been in use for many years their defective condition was only discovered by accident, and even then not by the officials. But, whether it was discovered by accident or not, we have the fact that it has been proved by conclusive evidence that the whole of the British Navy have been armed with these utterly useless and unreliable weapons. That is not the dictum of an irresponsible body, but the calm, unqualified, and deliberate judgment of an able Committee, appointed with a special knowledge of the facts, by Her Majesty's Government, to inquire into this very subject. The offence has been clearly proved, and who are the offenders? They are not great, but they are very highly placed indeed. They are Sir John Adye, the late Inspector General of Artillery, General Fraser, who is at this moment sitting on the Ordnance Committee to test our big guns; General Close, Mr. Perry, Sir Arthur Hood, the present First Naval Lord of the Admiralty, and Admiral Boys, late Director of Naval Ordnance. Upon whose authority do I name these officers? It is very difficult to find any responsibility; but these are the names quoted by no less a person than the Secretary of State for War himself.

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE) (Lincolnshire, Horncastle): With General Dixon.

MR. HANBURY: The right hon. Gentleman is quite right. I have omitted the name of General Dixon. We have not only the offenders' names before us, but this is a case in which there is the most direct personal responsibility. It is not a case in which it can be said that the system is at fault. The official custom of laying the blame on the system is a most mischievous one. The system consists of individuals. Individuals profit by it, and when it fails individuals must be punished for it. Either by such a system you have men in high offices who cannot find out that the system is bad, and such men are not fit to be in the Public Service at all; or the more deserving, if they know the system is bad and still go on drawing the pay without remonstrance or trying to better the system, are more culpable than ever and are the more deserving of punishment. Then, again, we ought not to sanction the custom of Parliamentary Heads of Departments taking upon themselves sham responsibility. This custom is mischievous and has existed much too long. Parliamentary officials should not be required to take upon themselves the blame which really attaches to the officials under them, because it makes it utterly impossible for independent men to improve the existing state of things and to punish offenders, as the question is at once made a Party question, and the big battalions of the Government in power are at once brought to bear. I confess that when I asked the Secretary of State for War whether any official notice was to be taken of the offence charged, I was utterly astounded with the reply that no further notice would be taken. Now, I do not understand the principle on which the Secretary of State appears to act, and I do not think the public will appreciate the principle on which the right hon. Gentleman has acted. Public attention has been very keenly called to the condition of the Army and Navy, and the Committees which have sat, as well as Royal Commission after Commission, have shown that these two Services are in a very disgraceful state. When, therefore, offences are brought home as in this case, it is utterly ludicrous to attempt to divide responsibility, and to apportion it partly between the Army and Navy, partly between the persons responsible for the patterns, and the persons responsible for the manufacture, and then to say that several persons were responsible and not one of them ought to be punished. I have been utterly dumbfounded at some of the reasons which have been given for the inaction of the Government. The Secretary of State for War has said that the offences occurred 12 years ago. But is there any Statute of Limitation in this matter? The right hon. Gentleman should know very well that he is setting an especially bad precedent, because the heads of this manufacturing department are only appointed for five years, and after what the right hon. Gentleman has said these officials will feel that if at the end of their service their faults have not been discovered they will go scot free for ever. We are told that these men are not in the same offices now. That may be so; but some of them have been in offices of much higher responsibility. Admiral Sir Arthur Hood is First Naval Lord of the present Administration, and General Fraser, who is one of the men named by the Secretary of State for War, is a member of the Ordnance Committee. I put a Question to my right hon. Friend to ascertain who are the persons serving on the Ordnance Committee at present, and the answer I received had evidently been prepared by an official of some acuteness, because it was simply to refer me to *The Army List.* I then asked if General Fraser was upon that Committee, and the right hon. Gentleman said he did not know. Nevertheless, General Fraser is one of the gentlemen condemned by my right hon. Friend himself. The fact that these men are not now in the offices which they held when the offence was committed 12 years ago is rather an aggravation of the offence than otherwise, because if they had been found out 12 years ago they would not have been drawing money for offices for which they are utterly incompetent, and therefore they would have received a more severe punishment than that which I propose to mete out to them now. In answer to a further Question, the Secretary of State for War informed me that the Committee having undertaken to apportion responsibility it was not his duty to do so. I utterly repudiate the idea that the Minister of the Crown is justified in casting responsibility of this kind upon any Committee. There have been too many of these whitewashing Committees. We want some action taken, and the proper man to take it is the responsible Minister of the Crown. It is not in the terms of the Reference for the Committee to inquire whether these gentlemen have been culpable or not. The terms of the Reference are simply—

> "To inquire into the circumstances under which the cutlasses and cutlass sword bayonets have been passed into the Royal Navy."

Sir John Adye, in a letter to the War Office on the 20th of May, 1877, says—

> "In the first place, I would observe that the Committee ordered by you was simply one of investigation. I was not called upon to pronounce any opinion as to the culpability or otherwise of individual officials."

Therefore, I maintain that there is a double complaint against the Secretary of State for War in not going further and punishing the officials who have been to blame. The first complaint is that in the public interests the action of the Government has not gone far enough. If it had been a private firm, any official who had been shown to have neglected his duty in this manner would have been instantly dismissed. I will go further, and say that, in the Public Service itself, if it had been a humbler subordinate and not a high official who had committed this grievous fault, he would have been dismissed long ago. I am bound to say that Sir John Adye has some right to complain of the way in which this matter has been dealt with, and he has asked, with some justice, that some specific charge and definite inquiry shall be made. He says—

> "I do not like to be under a general charge of this nature. Bring your specific proof, and either acquit me or condemn me. Do not punish me for mere generalities."

Mr. Hanbury

He asks for a specific charge and a definite inquiry. As the War Department has refused this definite inquiry, it is the duty of this House, in justice to Sir John Adye himself, to inquire into the charge. What is the charge? The charge is a double one. Twice over has Sir John Adye been named by the Secretary of State for War as having been responsible for the pattern of these weapons, and for the manufacture of the weapons themselves. Now, with regard to the pattern, what did the Committee which sat to consider the subject say? They say that it seems extraordinary that so weak a pattern as that of 1871 should have been designed for use as a bayonet. It was, they said, deficient in strength, and altogether inadequate to resist such vertical pressure as it would receive in actual use. The Committee gave a striking instance of the utter weakness and inadequacy of these weapons, for they tell us that they would resist a pressure of only 32 lbs. The new sword-bayonet will resist a pressure of only 160 lbs., and the triangular bayonet a pressure of no less than 440 lbs. against the miserable 32 lbs. of the pattern complained of. Then as to conversion. What do the Committee say upon that? Practical sword makers have assured the Committee that the conversion of the weapons ought never to have been attempted. They say—

> "The Committee feel bound to record their conclusion that the conversion of these cutlasses and cutlass sword bayonets was a most unwise step. The Committee are convinced that the temper of the steel of which those arms were made was in all cases deteriorated, and, in some instances, destroyed during their conversion."

Then, how is Sir John Adye responsible for the pattern and manufacture? The Secretary of State says that he is distinctly responsible both for the pattern and the manufacture. Sir John Adye was the Director of Artillery and Stores. He was the head of all of the manufacturing departments. From the evidence, it would appear that even the Director of the Army Ordnance and Stores seems to have known very little about the matter, and I shall be much surprised if it is not found that Major General Alderson is pretty much in the same position as Sir John Adye. Now, what is the conduct of Sir John Adye that I arraign? A new weapon was to be introduced into Her Majesty's Navy; it was to be a thrusting weapon, and it was

Sir John Adye's duty to enter into negotiations with the Admiralty as to the pattern, and to see that proper weapons were manufactured by the War Department for the use of the Navy. It was, therefore, a very special case—special because a new weapon for the whole of the Navy was to be manufactured; it was a weapon for a new drill, and the whole of the weapons were to be made by a new process, which involved the cutting down of the old cutlasses and converting them into small cutlasses and sword bayonets. What would have been the first step that a man of common sense would have taken? He would have taken the step which the Committee say that both Sir John Adye and Sir Arthur Hood ought to have taken. The Committee say—

> "When so grave a step was resolved on as the conversion of nearly the whole of the cutlasses and cutlass sword bayonets of the Navy, it is not unnatural to suppose that a mixed Committe or Board of military and naval officers might have been appointed to consider and determine on the best pattern for such arms of the tests to which they should be subjected before issue."

No such joint Committee was ever dreamt of, much less appointed by Sir John Adye or Sir Arthur Hood. They preferred to carry on personal negotiations without consulting a Committee at all. And how did they conduct the negotiations? Before Sir John Adye took office after about a year's negotiations had been taking place with regard to the pattern between the Army and the Admiralty Departments, Sir John Adye on going into the office never took the slightest pains to read a single syllable of the correspondence which took place between the Army and the Admiralty, and it was only on the 5th of June this year, in trying to find out the grounds for his defence, that Sir John Adye felt it necessary to go to the War Office and hunt up the records. I do not know how he got permission. I know that many men who have a grievance against the War Office would like to go through and hunt up documents to establish their case. Sir John Adye, however, went to the War Office and by hook or by crook he at last discovered that there had been some correspondence which he ought to have known of long ago. Not only that, but what was the kind of correspondence which he himself carried on with the Admiralty? I cannot go through the whole of it, but I will appeal to anybody who has read that correspondence—which only takes up a page of foolscap—to say whether it is possible on an important matter to carry on the arrangements in this sort of sixpenny telegram style? The Committee say—"The correspondence already quoted seems to be the only record of this important transaction." With this miserable and incomplete correspondence with the Admiralty, it is easy to see that the result was a complete misunderstanding. What does Sir John Adye do? On the few previous occasions on which patterns were sent to the Admiralty, at least 12 pattern swords were sent; 12 were sent in 1845, and it was especially requested that 12 swords should be sent in 1869. Nevertheless, Sir John Adye sent only two—a miserable two, or in fact, only one, because the two pattern swords rather differed from each other, and there was only one of the particular pattern desired by the Admiralty sent to be experimented upon at all. What sort of swords did Sir John Adye send? Did he know what kind of trial it was to be subjected to? It was intended for thrusting drill, in which everything depended on the point, and yet he sent a sword without putting a point upon at all. He knew further that it was a light weapon, but strong, and he sent one which had no kind of strength whatever.

MR. CAMPBELL-BANNERMAN (Stirling, &c.): I am sorry to interrupt the hon. member, but who is it he says knew this?

MR. HANBURY: Sir John Adye.

MR. CAMPBELL-BANNERMAN: That is a mistake, Sir John Adye was not in Office at this time.

MR. HANBURY: Not in Office at that time! What is the date the right hon. Gentleman thinks I am referring to?

MR. CAMPBELL-BANNERMAN: 1869.

MR. HANBURY: I am not talking of 1869, but of 1871.

MR. CAMPBELL-BANNERMAN: The incident to which the hon. Gentleman has been referring did not occur in 1871, but in 1869.

MR. HANBURY: It was in 1871 that this blunt weapon was sent in, and Sir John Adye knew very well, or ought to have known, that this weapon before it could be used in war would have to be sharpened, and that the process of sharpening would very greatly reduce its strength. He knew that it had no reserve of strength, and therefore, when he sent to the Admiralty a sword to be tested, and he neither pointed nor sharpened the weapon at all. I can hardly conceive that Sir John Adye knew the nature of the drill which the sword was required for. In Question 1091 Sir John Adye said, that he did not know what kind of trial the weapon would be subjected to by the Admiralty —he did not even know what it was to be tried for—whether for handiness or strength. There is some remarkable evidence on this point. When Sir John Adye was hard pressed as to being responsible for the pattern of the weapon, he told the Committee in answer to Question 1064, that he did not feel bound to go into the question of strength, because the weapon had been reported efficient by the Naval Authorities. But when he was asked "Did it ever enter into your head to inquire what was meant by efficient?" he was compelled to say "No, I never made any inquiry of the sort." When it was pointed out to him that it was impossible to estimate what the Admiralty meant by efficient in that way Sir John Adye said—"I should say in a general way that the *Excellent* would merely try the weapon for its handiness." This is the evidence of Sir John Adye, the Director of Artillery and Naval Stores, who has to supply the Navy with an efficient weapon, and yet only knows that the weapon has been tried for its mere handiness, without regard to its shape or its strength. Nor does he appear to have had any clear understanding, even with his own Superintendent, because General Dixon, in a letter he has written lately, says most distinctly, that while the Director of Artillery and Stores was under the impression that the Admiralty were testing the swords for their shape and handiness, the Superintendent at Enfield says—

> "The report of the Admiralty was very satisfactory, and was considered at the time as meaning that the swords had been tried in a way to satisfy the Naval Authorities of their perfect efficiency."

This would naturally satisfy also the War Office Authorities. So that not only was there a complete misunderstanding between Sir John Adye and the Admiralty, but there was a complete misunderstanding between himself and the official immediately below him, in regard to the manufacture. At the last moment Sir John Adye raised a new line of defence. He says—

> "That having examined the records of the War Office, I now find that the new pattern was proposed by the Admiralty in detail in 1869, and I only took Office in April, 1870."

This is, no doubt, the point the right hon. Gentleman opposite had in his mind, but I do not think that that is any excuse that will benefit Sir John Adye. On the contrary, it seems to me to make the position rather worse for Sir John Adye, and for this reason. I have already referred to the very strange fact, that Sir John Adye did not know of the correspondence long before. He ought to have gone into it at once, considering the important duties he was called upon to discharge. If he had examined it, he would have found that the Admiralty required 13 swords to be sent instead of one, and further that the whole sword was to be as light as was compatible with strength. Therefore, I am sorry that Sir John Adye should have made this defence; because it only puts him deeper in difficulties than he was before. It is all nonsense to say that he was not responsible because negotiations had previously taken place, and those negotiations were not completed when he came into Office. He came into Office in 1870, and in May, 1870, a distinctly new pattern was issued by the War Department to the Admiralty. How is it then possible when a new pattern was issued in 1870, and trials were going on constantly up to February, 1871—how is it possible for Sir John Adye to say that he knew nothing of the matter, and that it was never brought under his attention until the end of 1871? The trials were going on during the time he was in Office, the new weapon was tried by him, and not by his Predecessor, and a totally new element came into consideration during his own time, because the new process of conversion was adopted, and the new pattern decided was to be a converted sword, which certainly made the whole difference in his responsibility. I am sorry to have to trouble the Committee with all these details, but it is necessary having brought a distinct charge against Sir

John Adye, that I should prove my case. I should not be doing justice either to myself or to him, if I did not endeavour to prove the charge up to the hilt. We find Sir John Adye negotiating with the Navy, but there was no joint Committee or any cutlass Committee, which certainly ought to have been appointed. There appears to have been no understanding whatever, between Sir John Adye and the Admiralty, and I want to know if these high officials had no idea whatever of organization; if they can allow a misunderstanding of this kind to arise, what are they good for? As I have said, they are placed in high office, and it is their duty to see that no misunderstanding takes place. If they were in subordinate positions they would be dismissed at once, and surely a misunderstanding arising between men occupying such high positions as Sir John Adye and Sir Arthur Hood ought to be sufficient to justify the most severe punishment falling upon their shoulders. I have shown that Sir John Adye had no agreement with the Navy. What did he do in his own Department? One would have thought that at least he would have had a Departmental Committee appointed, and that he would have called in anybody who understood the subject. That was evidently the practice of his own Department, as will appear from the answer to Question 1127 —"In matters of large importance the tests are laid down and applied." In the introduction of a new gun, for instance, and the proof of it, the testing is carried out by a Committee. He was then asked—

> "Is it not a matter of great importance what swords and bayonets are placed in the hands of our soldiers and sailors?" And the answer is— "Certainly it is a matter of great importance, and it is usual in all cases to have a Departmental Committee."

But in this case Sir John Adye did nothing of the kind. He did not consult a Committee, nor did he consult anybody whatever as to any special test in regard to this special weapon, which was to be issued under a new process. In Question 1066 Sir John Adye is asked—

> "Did it occur to you to change in any way the original test?"—Answer: "No."—Question 1116: "Can you state whether the test was altered in any way when the sword was converted?"—Answer: "No; I do not think so."

To Question 1159, the answer is—

> "I authorised no different test in 1871. I did not interfere in the matter. I did not interfere in the question of test."

Good gracious! What is the Director of Artillery and Stores for unless he is to interfere in these very matters? He does not even appear to have known where the tests were to come from.

> Question 1084: "Who authorised the tests that were to be applied to the conversion of these blades?"—Answer: "I am not aware; you must ask the Superintendent of the Small Arms Factory what the tests are."

Surely the Director of Artillery and Stores was the person who was most directly responsible in these matters. Nevertheless, Sir John Adye says "No." He was asked in Question 1085—

> "The official who would authorise the tests would be, I suppose, the Director of Artillery?" Answer: "Certainly not."

He is further pressed in the matter, and in Question 1088 he is asked—

> "Then the Director of Artillery is the authority who orders certain tests to be applied?" —Answer: "Yes; quite so."

But if responsible no special tests were ever applied to this special weapon at all. The weapon was never tested in any way for strength, nor does it seem to have possessed any strength whatever. It is a startling thing to say; but it was never tried for strength at all, but only for soundness and elasticity. This fact came out in a remarkable letter written by Major-General Dixon. Now, I think that the Committee misunderstood the evidence of General Dixon, and were somewhat unfair to him. In that letter General Dixon distinctly says that he was bound by the pattern; that he was in no way responsible for the pattern; and we know that the Superintendent at Enfield was not responsible for it. We have had evidence of a remarkable case, in which a large number of swords were turned out of a most unsatisfactory character. Colonel Arbuthnot remonstrated at the time; but he could get no redress, and had to go on making weapons which he personally disapproved of. The whole of the time General Dixon was Superintendent of the Small Arms Department at Enfield he never manufactured these small arms by thousands; but he made them by the hundred at a time, and had them issued when they were found to be good and useful. But in this case it never seems to have entered into the heads of the wiseacres who were responsible to do anything of the sort. If Sir John Adye had taken the suggestion thrown out by General Dixon in 1870 or 1871—a suggestion which, I believe, is now about to be carried out in the War Office—that there should be a periodical inspection of these arms both in the Army and Navy as well as of those in store, if this had been done their disastrous condition would have been found out the very next year. But what happened? General Dixon sent up a recommendation to the War Office, and said that it was most important that the weapons should be examined in order to ascertain their condition. A curt reply came back the very next week to say there was no necessity for doing anything of the kind, and I believe the general impression was that General Dixon wanted some sort of new post created. All I have to say is, that if a new post had been created no scandal of this kind would have occurred, and it is a step which the Secretary of State now very wisely proposes to take. It will be seen that General Sir John Adye never consulted any Committee or any responsible person, and had only his own wisdom to act upon and his own information. But he admits that he knew nothing at all about the matter. In Question 1084, he says—

> "You must ask the Superintendent of the small arms factory what the tests are." Question 1109: "I presume it was a proper test because it was laid down by the proper authority before I came into Office.". 1156: "Then no attempt was made to ascertain whether the test was sufficient to insure an efficient and proper weapon?"—Answer: "I imagine it was those who laid it down; but I am not aware who they were. That happened years before I was in Office." Question 1109; "My own opinion as to tests is worth nothing, because I am not an expert." 1102: "I do not profess to be an expert in swords or cutlasses."

It is quite evident, therefore, that the Director of Artillery Stores knew nothing of special work of this nature. Then on what principle are such men appointed? What I want to see throughout the Army and Navy is that there should be no posts given in the Service to ignorant and incompetent men. I desire to see that the posts are filled by men who know their work, and who shall be held responsible and punished if they go wrong. Sir John Adye never consulted a Departmental Committee, nor did he consult an expert; he knew nothing himself. Then surely he might have done what the common sense even of an ignorant person ought to have induced him to do. Unfortunately, the practice is to appoint to these posts irresponsible persons—generally young men of good connection who are the friends and relations of persons in high positions, and they are embued with the idea that if they will only shut their eyes to everything that is going on they will gradually rise to the top, because they will not be regarded as troublesome fellows who ought to be put down. Now, I want to see posts of this kind very differently filled. As Sir John Adye knew nothing about these matters himself, why did he not keep a "nurse" or "coach" to instruct him in his duty? His common sense ought to have taught him to do that, because he must have known that the men appointed under him were utterly ignorant and incompetent. Let me pass now from the question of patterns, and I hope the Committee will be of opinion that Sir John Adye does not come out of the pattern question quite clear. I now come to the manufacturing part of the process. These weapons were to be manufactured at Enfield factory. Colonel Dixon, who was then Superintendent, had been in the office for 17 years. He was a most able man who knew thoroughly the whole details of his work. Now, I am bound to say that General Dixon is one of the men upon whom the responsibility has been attached by the Secretary for War; but I think the right hon. Gentleman has been rather hard upon General Dixon. I cannot find that any blame is to be attached to General Dixon as Superintendent at Enfield. But General Dixon was retiring; he retired, I believe, in April, 1870 or 1871, and a new Assistant Superintendent had to be appointed. I have been told that up to that time it was invariably the practice for the Superintendent to nominate his own Assistant Superintendent. Why that is not done still I do not know. If it is it certainly makes the case stronger against Sir John Adye. In any case, the Assistant Superintendent would have to act under General Dixon. Colonel Dyer was appointed, and immediately after General Dixon heard of the appointment he remonstrated with the War Office, and told them that Colonel Dyer was a totally unfit man for the place. The moment Colonel Dyer entered Enfield Factory General Dixon took the work out of his hands as much as possible, because he knew that he was an unfit man for the position. And of course Colonel Dyer was an unfit man; he had never had any experience whatever. I am told that he was simply a War Office Official who was sent down as the result of favouritism, who knew nothing of the work, and possessed very little knowledge of machinery. Colonel Dyer was appointed, I believe, by Sir John Adye, and this is the description of him given by Major Elliott—

> "He had but little knowledge, if any, of either the manufacture, or any other matter connected with them."

I shall have to quote Major Elliott in reference to Colonel Dyer again. It was in the same way that General Fraser was appointed by Sir John Adye. Now, either General Fraser was directly appointed by Sir John Adye, or he was not. I believe he was appointed by Sir John Adye; but perhaps the Secretary for War will tell me. It is suggested that he was recommended by Sir John Adye, but that is pretty much the same thing. Certainly, knowing the incompetent man he was, he ought to have been carefully watched during his time of service at Enfield. But what is the description of General Fraser which we have here in print from Major Elliott? He is described as—

> "An utter stranger to any matter whatever which related to his department. He was quite ignorant of the bearings of a single question affecting any portion of the official treatment of any subject connected with the department's proceedings, or its general management. This he informed me a few days after his appointment."

I do not want the Committee to rest the incompetency of General Fraser upon the testimony of Major Elliott. Let me take the statement of General Fraser himself. What does he say?

> Question 1378. "Previonsly to going to Enfield, I had no practical training in regard to sword making." 1381. "I know nothing now about the making of swords, and I do not pretend to know anything about it." 1457. "I came from Ireland to Enfield, and, previous to that, I had been superintendent of the Ordnance Factory at Portsmouth, and previous to that I had been assistant superintendent in the Laboratory at Woolwich."

He was then asked by Mr. Ruston—a civilian member of the Committee—"Then, of course, you had had a good deal of experience in dealing with steel?" Answer: "I should say I had." But the Chairman was an hon. Member of this House, who knew something of the matter — Sir Hussey-Vivian. He at once dropped upon General Fraser, and asked—

> "As assistant at Woolwich, had you much experience of steel?"—Answer: "No. I had not much experience in steel there. My experience was acquired at Enfield, in a great measure."

Therefore, General Fraser went to Enfield, not only in ignorance of sword-making, but of steel itself; and the Government had a Superintendent who knew nothing of the matter, and also an Assistant Superintendent who knew as little. General Dixon, who did understand his work, was so thoroughly worried out of his life that he had to resign. A new man, a Mr. Perry, was then appointed manager and tester. He, however, had been in the tool department, and knew nothing whatever of sword making. He was a friend of Colonel Dyer's, and was appointed by that officer to the post of manager. Therefore, you had a superintendent, an assistant superintendent, and a manager who knew nothing whatever of the duties either had to perform. Up to the year 1875, there was a skilled man—a Mr. Gunner, who had been inspector of tests for 30 years. When he resigned, a young Artillery officer was appointed inspector of tests, who had no experience of the matter; and, therefore, you had four officials already in the department who knew nothing about the work. Let me go further. How was it in regard to the workmen themselves? Let me take the first, Mr. Perry, the foreman. In his examination by the Committee he was asked (Question 871)—

> "What were the foremen over the department? Were they skilled sword makers?"—Answer: "They were skilled mechanics, up to the hardening and tempering, but they were not sword makers at all." Question 869: "Had you no skilled sword makers?"—Answer: "None. The foremen taught the labourers who came from I can hardly tell you where. We got them as they came to the factory and asked for work. Some came from Birmingham, others from Manchester, and others from London."

Colonel Dyer, Question 1550, says—

> "My struggle throughout the whole of my time at Enfield was to do away with skilled labour, and to bring in unskilled labour as far

as possible. If you introduce self-acting machines which do away with skilled labour, you can carry on your manufactory far more easily than if you employ skilled labour."—Question: "Even for such delicate operations as sword making?"—Answer: "No, not for sword making."

Notwithstanding the fact that sword making was the very thing he had to deal with, and although the swords ought to have been tested with special machinery, that machinery was never brought into operation at all. These unskilled men were put into the department, knowing nothing whatever about the practice, and having no one whatever to check them. I say that Sir John Adye appointed these men, that he is responsible for having appointed them, and that it was his duty to see that the work was efficiently performed. He knew what was happening in the Department; he knew that unskilled men were being brought in, and that skilled men were being turned out. I find here a curious statement in regard to what was occurring on the 12th of October, 1874. Sir John Adye said—"We can convert for 8*s*. each, and the money—£6,000—can be met by anticipated savings in wages." — the difference being the difference between the wages of skilled and unskilled labour. Now, I have shown the Committee the state of the Manufacturing Department at Enfield at the moment these delicate operations for the conversion of cutlasses and sword bayonets was about to begin. We have the evidence which was given before the Cutlass Committee that the manufacture of swords is about the most delicate operation in which the department can be engaged. To show the great skill that is required in the manufacture of swords, we have had the evidence of Mr. Latham, from Messrs. Wilkinsons', the sword makers, that it is of the highest importance to have skilled men to detect the exact redness indicating that the sword is properly tempered, and that it is sometimes impossible in winter to work more than two days a week on account of the badness of the light. Another witness, Mr. Kerschbaum, from Solingen, also stated that so delicate were the tests that it is often impossible in winter to work for more than two hours in a day on account of the light. The evidence of skilled workmen from Germany showed that so much skill is required in sword making, that at Solingen the secret is hereditary, being handed down from father to son. That is the system that prevails at Solingen. I have shown the Committee what the system that prevails at Enfield is. There is altogether an absence of skilled hands at Enfield for the performance of these delicate operations. But if it is a difficult and a delicate matter making swords from new steel, there is evidence that it is ten times more difficult to form new weapons from old cutlasses and sword-bayonets by cutting them down and converting them. The conversion of old swords into new ones is utterly condemned by every expert. They all say that such a thing never ought to have been attempted. Mr. Latham, from Wilkinsons', said—Question 685—

> "It is a thing which I should never attempt—to grind swords down when they have once been made; when a sword blade is finished we would rather do anything than attempt to alter it. It is a standing order that if any officer says, 'I must have my sword narrower at the point or lighter,' it is only altered under my own superintendence. You would soften it by the heat generated by grinding. I should not attempt to do anything with tempered steel, either to soften or re-harden it. We never attempt to re-harden a sword by any means. It is not possible to do so. I should immediately say 'Well, this is not a thing that you ought to do. You ought not to attempt to alter blades like this, because they will not stand it.'"

And yet Sir John Adye entrusted this delicate and difficult operation to wholly unskilled men, and did not take the advice of a single expert from outside the Department, either in 1871 or in 1874. The task of these unskilled men, difficult as it necessarily is, and made still more difficult by the manufacture of new swords out of old weapons, has been added to by a curious circumstance, about which I cannot speak with the same positiveness as I can affirm the facts I have previously stated. It is a curious circumstance that whereas General Dixon made his pattern sword from old swords by merely grinding them down, because the shape allowed the new sword to be made by merely grinding down; but when General Fraser began to make these converted swords, he found that he could not get this pattern from the old cutlasses—that the two did not overlap, as it were. Then what happened? I believe, as a matter of fact, it is practically admitted at the War Office that it was found impossible to make these swords in that way, because in this wonderful Department the wrong pattern had been sealed. I have been told that what is called the trough of the sword was to be made from a sealed pattern, and that the trough which resulted subsequently in the manufacture of 82,000 swords was a curved trough. The trough ought to have been a straight pattern, but, as a matter of fact, the sealed pattern was a curved trough, and I believe the difference, although not considerable, was just sufficient to render it impossible to convert the old cutlasses into the new pattern without altering the shape mainly by grinding down. It turned out that, as a matter of fact, the wrong pattern had been sealed, and while General Dixon was able to get a new sword by grinding down the old ones, General Fraser had to hammer the old cutlasses into shape in order to get the proper shape. I do not speak with authority upon this point, but I believe it was so. Leaving that point, I will inquire how the Enfield Department set to work on the conversion of these weapons. Instead of making 100 at a time, and issuing them to be tested for practical purposes, as General Dixon had done, they turned them out by thousands at a time without any test. Moreover, we have the evidence of Colonel Dyer that, so far from making it a systematic operation, these swords were not made continually, but at odd times, so as to fill up the time of unskilled workmen. The test machinery which General Dixon had invented was never put in operation, and all of these swords were made, not from one kind of cutlass and sword-bayonet, but from half-a-dozen different patterns, in all kinds of steel, and the same system was applied to all kinds of steel. The same system was adopted for all, and no distinction was made. But when the Department came to the actual conversion of these swords at Enfield, how did they proceed? The operation, under the wonderful superintendence of this Department, although requiring such marvellous delicacy of treatment, and having for its object the supply of swords and other weapons to the whole of the British Navy, was thus proceeded with. The swords were first treated in a common blacksmith's forge, and then they took an ordinary hammer, hammered the swords when hot and made them straight. The result was that they crushed all the molecules of steel on one side of the sword, and they tore open all the molecules on the other side of it. Such treatment alone was quite sufficient to render the weapons useless. But they went further. It was not enough to spoil the sword by destroying the molecules of the steel, but they had to cut down the swords by grinding. Experts tell us that the outside is the hard and strong part. But they proceeded to grind away the whole of the outside steel, merely leaving the soft inside case of the metal, which is the very weak part. Having done this, they put the weapons into the fire again, and attempted to re-harden them, a thing which we are told is altogether impossible. The defence which has been put forward by Colonel Arbuthnot, the late Superintendent at Enfield, on the part of the Ordnance Department, is that the weapons were not deteriorated by this process, although the testimony of every expert who went before the Committee was that they were rendered utterly useless by having been subjected to that treatment. He hoped, therefore, that that defence will not now be attempted to be set up by the Secretary for War. I have now only a few reflections to offer to the Committee upon the matter. I thank the Committee for having listened to me so long. I say that these swords are very simple weapons indeed—the simplest kind of weapon we could ask this Department to undertake; but we must remember that this Manufacturing Department, which has made so sad a bungle of such a simple thing as a sword, is also responsible for the manufacture of the big guns for the Navy. How are they to be trusted? Sir John Adye is not the only man who is responsible. At this moment the Secretary of State for War is about to introduce three reforms, all of which have been determinedly fought against by the Director General and the Surveyor General of the Ordnance. Much has been said about having military men to fill the post of Surveyor General of the Ordnance; but I am bound to say that the very worst blunders have been committed while two military men—Sir John Adye and Sir Henry Storks—occupied that position. The three reforms I refer to are, the union between the Army and Navy for the purpose of manufacturing weapons—a thing which

Sir John Adye has scouted from the first; the requiring of an independent test of the weapons manufactured; and the establishment of an independent and periodical inspection of them by others than those who manufacture them—a matter which Sir John Adye has also fought against. I would appeal to the Committee whether, having heard my case, I have not proved the responsibility of Sir John Adye for this blunder up to the hilt? I trust that the House of Commons, having heard the facts of the case, will not allow the matter to drop, and will not be intimidated by the suggestion that if they deal with the subject the inquiry will not stop where it was. I believe there are other officials besides Sir John Adye and General Fraser—now on the Ordnance Committee of the War Office—whose efficiency must and will be called in question. The names of General Fraser, Sir Arthur Hood, the First Naval Lord of the Admiralty, of Major General Dixon, and of General Alderson, will all have to be brought before the House, and we must not, therefore, be deterred by the consideration that the matter may not stop here. And I would appeal specially to military men. Some hon. Members of this House have been reluctant to proceed in this matter from a natural dislike to prejudice the interests of their brother officers; but I ask those hon. Members to take a higher view of their duty, and to remember that it is not only the officers but the men in the Navy who may have been made to suffer for this blunder, and that it is through no fault of Sir John Adye that our men in the Navy were not sent into action with these utterly untrustworthy and inefficient weapons in their hands. I appeal to hon. Members on this side of the House not to make the responsibility for the conversion of these weapons into a Party question; but, on the other hand, if this is a matter with regard to which the two Front Benches are going to combine then it is time that the independent Members of the House should make a stand against bungling officialdom in our Naval and Military Departments. I do not care how much the retired pay of Sir John Adye is reduced to as long as his conviction in reference to the charge that has been brought against him is recorded in the Journals of this House. Unless this House does consent to deal with the matter, it is useless to appoint Royal Commissions to inquire into such questions if Secretaries of State will not act. If the Secretary for War, and other high officials, refuse to act, the House of Commons must deal with these matters for themselves, by punishing the offenders, whom they cannot dismiss, in the place where too often their consciences reside — namely, in their pockets. If charges of this kind had been proved against subordinate officials those subordinate officials would have been dealt with long ago. We ought to make no distinction in this respect between the highest official and the humblest man in the Army and Navy, but should proceed upon the great and cardinal principle that every person engaged in these Services should be held responsible for his own default, and that in all cases where such default is traced home to him he should be punished without fear or favour. I beg to move the reduction of the Vote by the sum of £950.

MAJOR RASCH (Essex, S.E.): I rise for the purpose of seconding the Motion which has just been moved by my hon. Friend the Member for Preston (Mr. Hanbury), and I shall do so with extreme brevity. I know the impossibility of fixing responsibility on any official unless backed up by clear evidence; but, in this case, we have not only had the Report of the Committee, and the Minutes of Evidence, but the statement of the right hon. Gentleman the Secretary of State for War himself. In this case, therefore, if I may use such an expression, the saddle has, for once, been put on the right horse, and the House is certainly bound to take some notice of the matter. In 1871 Sir John Adye was appointed Director General of Artillery, and from 1871 to 1875, 82,000 swords, from the use of which the Navy are suffering at the present day, were converted. General Sir John Adye, in answer to Question 1,089, admits that he is solely responsible for the business carried on under his auspices at Enfield; and our contention is that he took no pains whatever to ascertain the pattern, or the efficiency of the tests which were applied to the new converted weapons. Whether we are right or wrong, the Report of the Committee, at page 10, is to this effect—"There is no reason to doubt the efficiency of the cutlasses"—that is the old cutlasses, previous to 1871—"but, in reference to the cutlasses with which the Navy are now supplied, they are absolutely inefficient and utterly untrustworthy." With the permission of the Committee, I should like to say one or two words on the manufacture and the tests that were applied. With respect to the manufacture of these swords, two methods appear to have been in use—that of Colonel Dyer and that of General Dixon—both of which were diametrically opposed to each other. The object of the authorities at Enfield was to get a light straight sword out of more or less heavy curved ones, and the way in which they set about it was to put the sword into an ordinary blacksmith's forge and take it out hot, in order to straighten it by hammering. The result of this straightening was that the particles of the steel on the convex side were broken, and on the other side they were congested together. An hon. Member will be able to see the effect produced by putting a walking-stick across his knee and bending it. In the next place, the workmen pared off the outside—although it is well known to metallurgists that the outside is the heaviest—and presented the sword, as an efficient weapon, to Her Majesty's Navy. The evidence given by the firms of Messrs. Wilkinson, of Messrs. Mole of Birmingham, of M. Kerschbaum of Solingen, and others, was to the effect that no conversion ought to have taken place at all, and that no proper carbon test was applied. There is no more difficult matter than sword making. It is an extremely delicate operation to carry out. In this case swords were made to the number of more than 80,000; they were experimented upon by untried hands; and they were made under different processes of manufacture, of different steel, at different times, and by different persons. They were thrown into a sort of crustacean bed and altered at different times. With reference to the tests that were applied, the House will be able to judge of the value of those tests when I say that out of 4,400 of the converted weapons recently tested, 2,600 were reported to be inefficient; and, in reference to that fact, I would call the attention of the Committee to the answer of Sir John Adye to Question No. 1,109—

> "My own opinion is worth nothing, because I am not an expert. I do not profess to be an expert in swords or cutlasses."

As to his opinion being worth very little on the subject, that is a matter in which I think the House will be inclined to concur. Lastly, the Superintendent of the works told us that he had had no technical training; Perry, the foreman, was a tool maker, and not a sword maker; and the workmen themselves were picked up outside the factory and employed chiefly because they knew nothing about sword making, and it was thought better that they should be taught the art there. Sir John Adye himself states, in answer to Question 1096, that he had absolutely no knowledge of the subject, but he understood that the workmen were picked up outside. It is quite evident, in reference to the whole case, that there are certain facts the Committee must take into consideration—namely, that absolute inefficiency was displayed by General Sir John Adye, that he did not show the ordinary capability which would have been required in an ordinary commercial firm; and having in one instance brought the responsibility home in the proper quarter, we ought now to deal with it in the manner suggested by my hon. Friend the Member for Preston.

Motion made, and Question proposed, "That a sum, not exceeding £1,231,550, be granted for the said Service."—(*Mr. Hanbury.*)

Colonel DUNCAN (Finsbury, Holborn): As a Member of the Committee which considered the matter now brought under the notice of the House, it is only right that I should say a few words. We have heard from my hon. Friend that that Committee was not appointed to express any opinion. That is absolutely the case; they were appointed to give a narrative of how some weapons which were found to be defective had obtained entrance into the Service. If they had been called upon to give any opinion, they would have done so; but I must protest against the idea that they have wished to whitewash anyone. All we did was to obey orders, and to place before the House the best statement of facts we could obtain; and in making that statement I desire to say that we did so quite irrespective of any blame that might be apportioned to any member of the Service. I feel bound to say also that we received every possible assistance from all the witnesses who were called before us, including those officers whose names have been mentioned in the course of this discussion. I would therefore ask the Committee to remember that the evidence given by these gentlemen was given without any idea that they were going to inculpate themselves, and I do not think that any of these officers ought to be convicted on the evidence which they have given without being allowed an opportunity of defence. That is a thing in which I believe the Committee will agree with me. It must also be remembered that many of the arguments used by the hon. Member for Preston are based on the statements of one witness against another, without the witnesses having had an opportunity of being confronted with each other. The evidence of Sir John Adye, for instance, differs in many ways from the evidence of Colonel Dyer, and it would only be fair that he should be afforded an opportunity of giving some explanation of the discrepancy. Now, there can be no doubt that the conversion of the cutlasses was a foolish and unwise thing, and in consequence weapons have been placed in the hands of our sailors which are absolutely untrustworthy. But it must be borne in mind that when the Admiralty were consulted on the subject, and received patterns to test for themselves, the answer they returned was that the patterns had been tried and found efficient. What does the word "efficient" mean? It surely means efficient in every way, and in that sense Sir John Adye seems to have done all in his power to consult the requirements of the Navy, to ascertain what they wished, and give everything they wanted. He received an order to supply the Navy with a particular weapon, and he sent a weapon which they regarded as efficient. Before sitting down—and I only rose to make an appeal for justice to men who have yet to be heard—I will only say a word as to the statement which has been published to the House by officers more or less incriminated to the effect that the Committee have been harsh; but the accusations which have been levelled at the Committee are so contradictory that it is not necessary to defend them. Most of the questions which have been raised I must leave experts to settle among themselves. All the Committee had to pronounce upon was that untrustworthy weapons had been passed into the Service. When the Committee saw swords that curled up on being tried upon a soft stuffed figure they certainly sympathized in the indignation which had passed over the whole country at the thought that our blue jackets now in Burmah should have such a weapon placed in their hands. I would, however, again remind the Committee that we should not act with undue haste, and that it is only fair to allow the officers who are now accused an opportunity of defending themselves.

THE SURVEYOR GENERAL OF ORDNANCE (Mr. NORTHCOTE) (Exeter): I am anxious to say a few words in reply to the remarks of my hon. Friend the Member for Preston, and the first thing I desire to make clear is the amount of responsibility which devolves on the Government in connection with the Report of the Committee. I quite agree with the hon. and gallant Gentleman the Member for Finsbury (Colonel Duncan) in the opinion he has expressed in regard to the cutlasses, and I am not going to stand here to defend in any way those which have been condemned, but the responsibility of Her Majesty's Government is limited to two points. In the first place, I have to expain the reason why it is impossible for the Government to accept the Motion of my hon. Friend the Member for Preston; and secondly, I have to say, I think that, under the circumstances which have come to our knowledge, arising out of the proceedings of the Committee on which my hon. and gallant Friend the Member for Finsbury sat, there can be no question that a serious responsibility would devolve upon the Government if they did not take every possible step to secure in the future an infinitely more satisfactory weapon than that which has been previously served out to Her Majesty's Forces. The Committee report that they had no reason to doubt the efficiency of the weapon supplied to the Navy prior to 1871, but since their report was issued—as I think one speaker has already pointed out—a further report has appeared which shows that a very large portion, some 52 per cent of the old cutlasses which were recommended to be issued, have failed to bear the severe tests imposed on them. Therefore, it cannot be said that the cutlasses prior to 1871 were faultless; on the contrary they have been proved to be almost as unsatisfactory as the cutlasses converted since 1871. I should like also to call the attention of this Committee to the fact that the present director of Artillery, General Alderson, on whose behalf I feel bound to enter a protest against the attack made upon him by my hon. Friend the Member for Preston, an attack which I must say there was no evidence to support——

MR. HANBURY: I quoted the evidence which was given before the Committee.

MR. NORTHCOTE: The evidence given before the Committee has no reference to this question. As a matter of fact, the Director of Artillery the moment the complaint came from the Soudan as to the quality of the cutlasses caused instructions to be issued for the retesting of them, and be sent to the Tower for a selection. Fifty were sent at haphazard and those cutlasses did pass a very severe test indeed. If hon. Members will turn to page 86 of the Minutes of evidence they will see that it always was the intention of the Government that all these cutlasses should be subjected to a severe test, and should be withdrawn if found to be faulty. Although the Amendment of my hon. Friend is specially directed against Sir John Adye, reference has also been made to Sir John Adye's subordinates, and therefore it is impossible to deal with the question as one which solely affects Sir John Adye, without applying to officers under him. I submit that the question of the responsibility of these officers must be divided into two heads—whether the officers who are to be held responsible are those who devised the pattern of the weapon, or whether the responsibility rests upon those who converted the weapons after the pattern was approved. I do not think it is possible to hold both classes responsible, because if the second class of officers found approved weapons laid down and sealed, and already subjected to tests, they can hardly be blamed for working through those tests unless it can be shown that in the process of conversion they spoilt weapons that were otherwise good. Therefore, I think we are bound to separate the case from the point of view of the designer of the work, and these facts are agreed upon, first of all that the Navy cutlass sword bayonet of 1869 had been pronounced by the Navy to be too heavy, and accordingly they asked the War Office to design a weapon that consistent with strength, should be lighter. If hon. Members will turn to the observations of the officers to whom these sword bayonets were referred, which appear on page 7, it will be seen that the Admiralty lay down, in great detail, what the nature of the weapon was to be. They themselves suggested the conversion of the existing weapon—as will be found on page 85 of the evidence. Let me also point out that the principle of the conversion was not a new one, because if hon. Members will turn to page 5 of the Committee's Report they will see there that one or two previous instances are cited in which weapons had been converted for the Navy, and further that they had been rejected by the Navy on the very ground of defective strength. Therefore, when the War Department received from the Admiralty a request that the weapons then in store should be altered, converted and made slighter to a certain extent, it was a tolerably clear indication to the Superintendents of the line expected to be taken. He had a large number of these weapons in store, and the Admiralty suggested that if anything could be done with them it would be advantageous that they should be converted and altered. It should also be remembered that at the time there was an active correspondence going on with the Admiralty as to the adoption into the Navy of the Martini-Henry rifle, and the question of the supply of the new bayonet was, to some extent, undoubtedly made subsidiary the question of the adoption of the Martini-Henry rifle. Now, after the weapon was converted it was sent to the Admiralty for trial, and in the observations of the officers on the evidence there were statements showing that the weapons had been tried for strength as well as for pattern, as will be seen by a reference to page 8 of the officers' observations. I am not making these remarks for the purpose of shifting any responsibility upon the Admiralty—that really belongs to the War Office—but I think the hon. Member for Preston has sought to cast an undue and excessive amount of responsibility on the shoulders of Sir John Adye, and I want to show that Sir John Adye might, in self defence, maintain that he had good reason to believe that the view which he took of the efficiency of the weapons was supported by competent professional opinion. The Committee upstairs are of opinion, and that opinion the Government frankly accept, that these weapons were unsatisfactory and originally too weak. Then, I would also remind my hon. Friend that the vertical test of these weapons was not in vogue in 1871 when these weapons were made, and that is the test under which they failed. I also remind him that the test which was applied to them was then regarded as a sufficient test although it is admitted to be inadequate. So much for the question of design. Then comes the question whether the officers who converted the weapons, spoilt a weapon, otherwise satisfactory, by converting it. If so, it might appear that the men who designed them might fairly claim to have designed a good weapon. Now, the minutes of evidence show that all the converted cutlasses did stand the test, no matter how the process was carried out. It is also on record that they were subjected to polishing by inexperienced men, and it is admitted that that polishing would affect them. It results then that the pattern was approved, that the sealed pattern was subjected to a test, it is not disputed that all the weapons converted did stand the test, and it is said that they have deteriorated by use or by unfair tests. Whether the cutlasses were ground or heated or not, if it is conceded on all hands that they were bad, no process of conversion could make them good. With regard to the statement of my hon. Friend that the professional experts all said that the process was an impossible one, I remind him that a Birmingham sword maker gave evidence to the effect that although he would not have recommended it, he would not have considered the process impossible, and that under certain conditions he would be ready to undertake such a process himself. I do not wish to deny that a severer test was necessary, and I beg to assure the Committee that in future such test will be applied. In conclusion, I think the Committee ought to bear in mind that at the time the weapons were made our knowledge of steel was infinitely less than it is now. Since that time we have learned that the life of a blade is considered to be 13 years; and the cutlasses have been in the service for 11 or 12 years, and many of them had attained a considerable age before they were converted. It is the intention of the War Office to institute a much more strict examination of all weapons that may be adopted in the Service, and to provide for frequent examination. But when my hon. Friend asks me to take the extreme step of affixing on Sir John Adye and his subordinates such an ineffaceable stigma as would be involved by the adoption of his Motion, I must remind the Committee that if such a principle were carried out there would be great difficulty in getting officers to accept any responsibility of this kind. I think the real charge against Sir John Adye and his subordinates is that they stuck too closely to the routine of the Office, that they found certain processes in use and that they adhered to them, and that they were, perhaps, wanting in ingenuity and invention and failed to alter those processes; but I submit that the punishment proposed to be inflicted upon them would be out of proportion to the offence, and I hope that view will be taken by the Committee.

Dr. CAMERON (Glasgow, College): It would seem that the Government have agreed unanimously to defend these acts, but I think it is time that the House of Commons took up a different position with regard to those who are responsible for all these failures. We have cartridges jamming, the bursting of big guns, bayonets bending, and the swords of our soldiers and sailors proved to be utterly useless and ineffective, and we are to be told that no one is responsible, that we must wait for the result of Departmental reforms. Then we are told that we must not put a stigma on those who are responsible. Why, Sir, the stigma was put on them by the Secretary of State for War, who read out a list of men amongst whom the responsibility is divided. But when the Surveyor General of the Ordnance tells us that if we reduce this Vote we shall not get any gentlemen to fill these posts. I ask whether the consequences of that would be anything like what we are confronted with here? However that may be, the fact that a gentleman like

Sir John Adye, whose career has been so marked with blunders, is not only allowed to remain quietly in his position as an officer, but is promoted to the very top of the tree—his post of Surveyor General to the Ordnance being kept open for him while he is in Egypt, and, finally, to crown all, sent off to fill the post of Governor at Gibraltar at £5,000 a-year—is infinitely more demoralizing and more calculated to prevent the country getting officers to do their duty than censuring men for obvious inefficiency. The hon. Gentleman the Surveyor General of Ordnance had not attempted to meet the charges brought against Sir John Adye by the hon. Member for Preston (Mr. Hanbury). He accused him of not only being incompetent himself, but of getting rid of competent men.

Mr. HANBURY: I did not accuse him of getting rid of competent men. I said that when posts fell vacant, he appointed incompetent men.

Dr. CAMERON: I understood the hon. Member to say that one of the officers, who was a very competent man, had his life worried out of him, and that he was got rid of. But these charges the hon. Gentleman did not attempt to refute. He proved by a process of analytical reasoning that the responsibility was divided between those who invented the pattern of the cutlasses and those who altered them, and that responsibility could be imposed on neither.

Mr. NORTHCOTE: My argument was that you could not hold both classes of officers responsible.

Dr. CAMERON: As the hon. Gentleman did not fix the responsibility then, I think we ought to fix it on Sir John Adye. It is, of course, an unpleasant thing to cut down a man's salary; but that is the only way in which we can bring pressure to bear on the Government. I want to show that Sir John Adye's conduct in this matter is quite in keeping with his action in others. At the start of the Egyptian Campaign in 1882 he was the Surveyor General of Ordnance, and as such he was responsible for the preparations in connection with that campaign. The question of Sir John Adye's responsibility was brought forward in connection with the Transport. In the first place, as to his unwillingness to accept competent assistance and advice. When the Campaign was determined on, Sir Edward Morris was appointed Commissary General of the Army in the field. He thought it desirable that everything should be seen to by the man who was to administer the transport in the field, and he came over to this country from Ireland to the War Office in order to make preparation for the Egyptian Campaign; he has given it in evidence that he wanted certain things done, and that he was compelled to go away by Sir John Adye's orders. One of the blunders of the campaign was in connection with the supply of flour. Sir John Adye did not want flour to be sent out; he wanted biscuits to go; but he gave way, and when the 70 tons of flour arrived, and the sacks were pulled off, it was found to be like plaster of Paris; it was utterly useless, and had to be sold for starch. Sir John Adye reported on the state of the flour. He said it was utterly destroyed; that the greater portion arrived heated, and that the whole of it was an unbroken lump. One would have thought that, on his return, he would have taken steps to bring home the responsibility to someone; but he did nothing of the sort. Samples were sent home; but it was found that the small packets had been left lying about, and that the contents were unsuitable for analysis. Another matter in which he was personally responsible arose in connection with the auxiliary transport in the Egyptian Campaign. That transport utterly broke down. The Army was for a fortnight in the field before there was any auxiliary transport with it. Now, the whole of the details of the campaign had been planned out before the Army went to Egypt, and it has been shown that 3,600 mules had been determined upon for transport during that campaign. But when the question arose as to where the mules should be purchased, Sir John Adye said, in the teeth of his well informed subordinates, that he wished to purchase the mules on Ottoman territory. He was warned, and it was pointed out that Turkey was one of the parties interested in the Egyptian War, and that she would put an embargo on the exportation of the mules.

Sir EDMUND COMMERELL (Southampton): I rise to Order; and ask whether the hon. Gentleman is entitled to go into these details on this Vote?

THE CHAIRMAN: The Amendment moved is the reduction of Sir John Adye's retired pay, and it is in form for the hon. Member to go into the whole of Sir John Adye's administration.

DR. CAMERON: I do not want to go into the whole of his administration; I want to show that Sir John Adye's conduct in this case is in keeping with his conduct in connection with other matters of military administration. To return to my point: An embargo was laid on the export of mules from Turkey; the transport was in consequence utterly crippled, and a very large sum of money wasted. The same error was made in connection with the hiring of drivers. Drivers were hired against advice in Ottoman territory; an embargo was laid upon that, and we were obliged to pay the men compensation because they were not allowed to come to us. The same sort of thing occurred with reference to labour. The Commissary General asked that labourers should be sent out; Sir John Adye did not positively decline, but asked that the matter should stand over until he went out, and the consequence was that the greatest difficulty was experienced in the field from the want of labour. I might give here a dozen other similar instances, but I do not want to take any disagreeable course in dealing with this portion of Sir John Adye's career. What the hon. Member for Preston (Mr. Hanbury) said with regard to Sir John Adye's refusing to obtain competent advice is characteristically displayed, at all events, in one other portion of his official administration, concerning which we have evidence that it had very important results to the country. Attempts were made to take notice of these things at the time; but the Committee was burked, and I am ashamed to say that a Liberal Government refused to re-appoint it. By voting against the Estimates, then, is the only way in which we can show our sense of what has taken place. It is all very well to speak of economy, but no Government likes economy, although I trust that, the noble Lord the Member for South Paddington (Lord Randolph Churchill) having taken up the *rôle* of economist, we shall see some practical result. I think he may congratulate himself on what he has been able to do so far even at the cost of leaving an important post in the Government. If you do not bring home responsibility in an emphatic manner you are sure to have in the future the whole series of these blunders repeated; and, therefore, when we have a case brought forward in which, as in this case, the responsibility has been proved up to the hilt by the hon. Member for Preston, we ought to mark our sense of what has taken place by voting for the reduction of the Estimate.

ADMIRAL FIELD (Sussex, Eastbourne): After the speech of the Surveyor General of Ordnance (Mr. Northcote), I feel constrained to repel a charge which, by implication, he has cast on the Naval Department and on naval men with regard to the weapons in question. I do not follow the hon. Gentleman who last spoke into the subject of the Egyptiam Campaign, because, were I to do so, I should find myself entering on political ground. For one part of the speech of the hon. Member for Preston (Mr. Hanbury) I thank him, but cannot do so for another part of it. It is a serious matter to drag the names of men who are not present upon the floor of the House, and the hon. Member has done that with regard to Sir Arthur Hood and Admiral Boys.

MR. HANBURY: They were dragged on the floor of the House by the Secretary of State for War.

ADMIRAL FIELD: They were; but the hon. Member has emphasized very strongly what has fallen from the Secretary of State. The Surveyor General of Ordnance has made excuses for the shortcomings referred to, and seemed to imply, while sheltering some of the officials of his Department, that when the Navy expressed approval of a weapon the matter was to rest there, and the War Office was to be absolved from all responsibility. I say it is not the duty of the Naval Department to see that the weapons handed over to them are tested. The weapons are received in good faith, and the only point on which the Naval Department is consulted is with regard to form or design. If we are to test cutlasses, we should also have to test revolvers, rifles and guns; and it is ridiculous to suppose we can do that. I shall not again argue the point that I endeavoured to press last year, when I urged on the Secretary of State for War that we should have possession of the Gun Vote and be responsible for our own stores, but shall conclude by thanking the hon. Member for his speech, subject to the very grave exception of his bringing forward the names of Sir Arthur Hood and Admiral Boys.

MR. BRADLAUGH (Northampton): I want to say very briefly why I support the Motion of the hon. Member for Preston, to whom the Committee is indebted, and I am sure the country also, for the line he has taken on this question. I shall support him because, time after time, Committees have reported to this House on matters of the most grave character, which have been passed over with absolutely no condemnation whatever of the persons implicated where they were of high rank. It was my duty to bring before the House on a former occasion matters connected with what was then happening in the Soudan. The Secretary of State admitted that what I urged was correct, but no kind of condemnation has ever been passed on anyone connected. Now, what is the answer in reply to the hon. Member for Preston, whose Amendment will, I trust, be pressed to a Division? It seems to be considered that to take away the whole of Sir John Adye's retired pay is rather a strong measure of punishment. But I understand the hon. Member to be indifferent as to the amount of the reduction of the Vote, and that what he wants is to make the vote of the Committee a Vote of Censure. I think the hon. Gentleman might lessen the amount by which he has moved the reduction of the Vote, and then I think that the hesitation which is felt by some will be removed. The Surveyor General of Ordnance certainly abstained from answering any of the facts; but he was good enough, on the question of conversion, to refer us to what was said before the Committee by Mr. Mole. I was rather astonished when I heard him do that, because I had felt it to be my duty to read this evidence before the matter came up in this House. I understand the hon. Gentleman to put it that Mr. Mole said it was a measure of conversion which might find favour with some.

MR. NORTHCOTE: I said that Mr. Mole, although he did not recommend conversion, stated that it was a process which under certain circumstances he would be prepared to undertake.

MR. BRADLAUGH: I should call that a poetic version of Mr. Mole's evidence. In answer to Question 1177, Mr. Mole says—

> "There is no possibility of bettering or improving by it, but there is a chance of injuring."

And what I have said is not weakened by his answer to the question, whether conversion could be safely undertaken, which was—"That is a difficult question to answer. I think it might with very great precautions." And he added—"It was not a process which it would have occurred to me to adopt for Imperial purposes." If that is the best witness of the hon. Gentleman—and I am bound to think it is, because it is the only one referred to—then the case he defends must be bad indeed. General Fraser stated that no advice was taken from experts outside the factory, and the evidence has shown that there were none inside the factory, whose opinion could be taken on the subject. Only a few years ago, as shown by the hon. Member for Glasgow (Dr. Cameron), you had the grossest negligence with reference to the food of the men, and arrangements by which medical stores did not reach them; but nothing was then done. Here is a case that we can deal with, and I ask the Committee to deal with it. Hon. Gentlemen opposite plead that you are dragging on the floor of the House men who cannot answer for themselves. But it is not so. Those men are on the floor of the House in the evidence before it, and in the explicit statement of the Secretary at War. We have this consolation, that, thanks to the hon. Member for Preston and the noble Lord the Chairman of the Committee upstairs, we are in possession of a mass of evidence which we never could get before, and which I, for one, intend to utilize to the utmost. It is not our fault that the question comes up so late in the Session. I rise to plead the cause of men who have no advocates here, and in doing so I speak as one who has worn their uniform and eaten with them in the common barrack room. We have been told that the defective weapons were tested when complaint was made about them in the Soudan; but you should not have left that testing until complaints from the seat of war had reached you. This is not a serious fine by which you are asked to mark your sense of what has taken place; you are asked to impose a very trivial fine upon one who has very gravely offended, who, I am afraid, was careless almost to the extent of impertinence in the way in which he gave his evidence before the Committee. I have marked a number of answers of that kind, and I thank the noble Lord for enabling us to deal with the evidence in that way. The statement of the hon. Member for Glasgow was to the effect that the evidence in the matters he referred to came too late to be of any use, that in the next Session it was all dead and buried, and thus it was that these high officers were not touched. But the case is different now. You are here dealing with a man whose shortcomings have come to light at a time when we can deal with them; and I appeal to the Committee on behalf of men who have no other defenders to protect them against bad weapons, bad food, bad harness, and bad medical stores, in future, by supporting a Motion for the reduction of this Vote.

General GOLDSWORTHY (Hammersmith): I wish to explain why it is I shall vote for the Motion of the hon. Member for Preston (Mr. Hanbury). I regret extremely that I should have to vote for the reduction of any officer's pay, especially the pay of an officer so high in his position as General Adye, and that he should be mixed up in this system of Army government, which is as bad as it can be. I have no doubt that the Secretary of State for War and the Surveyor General of the Ordnance are desirous of defending Sir John Adye; but the time has come when this House must take notice of the defects in the arms and other things supplied to our troops. I have myself on two or three occasions called attention to these defects, and the same course has been frequently taken by other Members of this House, and I hope that this time the Committee will not allow the matter to rest there, but bring it home to those who are responsible. I am anxious to impress this on the Committee, because of the remarks that have been made outside as to this House having nothing more to do than vote the money for the Army and Navy. I entirely dissent from that view. We who vote the money have a right to see that the country gets value for it, and we have not got that, as the examinations now going on clearly show. I am glad that the hon. Member for Preston is willing to lessen the amount by which he has moved the reduction of the Vote; because it is not intended to deprive General Adye of his pay, but simply to set up an example and warning to others; and if I continue to sit in this House, and find hereafter that military officers have been guilty of neglect of duty resulting in harm to the country, I shall always be ready to support a Motion for the reduction of this Estimate.

Sir WILLIAM PLOWDEN (Wolverhampton, W.): If the Government are not prepared, and I can, of course, understand that they are not, to accept the Motion for the reduction of the Vote, I think they should, at all events, accept the suggestion which Sir John Adye has himself made that he should be put on his trial. That is, in my opinion, a matter of right to him and of justice to this House. We have a grave charge made against a man of high position, and the House is right in demanding that some conclusion should be come to in this very important matter. The hon. Member for Preston has not referred to the charge in connection with the sword bayonets, and the manner in which their conversion was effected—whether they were converted in an improper manner, and whether the Director General and his subordinates were or were not responsible, is a question into which he has not entered. But we have a right to ask the Government to give us an engagement that they will inquire into this matter at once, and that they will bring home this charge of neglect of duty, if it can be brought home, for which those who are responsible ought seriously to be punished. If the Government will not consent to that, I shall then support the Motion of the hon. Member for Preston, to whom, I think, we are indebted for bringing this matter before the House.

Colonel BLUNDELL (Lancashire, S.W., Ince.): I am very curious to know whether the sword bayonets really failed to stand the test they were intended to stand; and I think we ought clearly to know what test they are supposed to endure. The responsibility of Sir John Adye in this matter, however, appears to be entirely covered by the evidence given that the bayonets had been well tried, and that they were quite equal to the approved pattern, and that the 12,000 bayonets would be accepted provided they were altered to the pattern approved. I am not defending the system of manufacture; I think if there is responsibility in the matter it lies with General Dixon and the officers who succeeded him. But if you attempt to fix the responsibility on an officer in the position of Sir John Adye as Director of Artillery you cannot stop; you must go right up to the Surveyor General and to the Minister of War, and, perhaps, even the Prime Minister. We are all anxious to have proper stores and weapons for the Army; we are all anxious to bring home the responsibility where there has been great neglect; but we ought all to be equally anxious not to commit an injustice upon a distinguished officer. If responsibility is to be fixed upon a particular individual there should be a Court of Inquiry, so that we may not put the saddle on the wrong horse. The statement of the hon. Member for Preston has not brought responsibility home to Sir John Adye individually, in my opinion; and as I do not wish that any injustice should be done in this matter I shall not be able to support the Motion.

GENERAL SIR GEORGE BALFOUR (Kincardine): I desire strongly to support the Motion of the hon. Member for Preston as calculated to fix responsibility. But I go farther than the hon. Member who has tried to fix the responsibility in this matter on Sir John Adye—I say that it rests on the Secretary of State for War at the time. For 19 years I have been asking for an alteration of the present system of making others than the Secretary of State responsible. It is a vicious system, and one that I shall continue to speak against both in and out of Parliament.

GENERAL FRASER (Lambeth, N.): I am of opinion that the House of Commons should share the responsibility in this matter. For years and years complaints have been made against a system which I believe to be wrong, without result. It is a satisfaction, however, for us to know that inquiry is now going on; and I trust that the noble Lord the Member for South Paddington (Lord Randolph Churchill) and the hon. Member for Preston (Mr. Hanbury) will see that every pigeon-hole in the War Office and at the Admiralty is ransacked for the purpose of this examination. I claim that there is no one in this House more anxious than I am for the well-being of the private soldier; but, at the same time, I cannot vote for the present Motion, because I consider the House to blame for not having listened to the complaints that have been constantly put forward, and because I think we ought not to make a victim of an individual. A soldier who has one spark of feeling or honour would feel an imputation of this kind all his life; and, therefore, I claim on behalf of Sir John Adye that he should be tried by court martial rather than be censured by this House.

SIR FREDERICK MAPPIN (York, W.R., Hallamshire): I trust the Committee will go to a Division on this Amendment, and that an opinion will be expressed which will insure that some remedy will be found for the evils which have been brought to light. I do not agree with all that has been said by the hon. Member for Preston in reference to the weapons in question. I believe in the truth of what we have heard— — namely, that they were too heavy before; that there was plenty of metal in them to allow for conversion; and that if that operation had been properly performed the result would have been satisfactory—that is to say, that a good weapon would have been produced. It is said that the tests formerly applied are not those which are applied now. That is quite true; but how long have the new tests been applied? The swords of the Cavalry two years ago were subjected to a test unequal to their requirements. The test was applied by a man striking the weapon on a solid block of wood; but after 20 or 30 blows the value of that test must have been reduced by one-half. It is since inquiry was made that a proper test has been applied, and I have no doubt that it is sufficient to insure that a good weapon will be put into the hands of the soldier and sailor. But I think in this matter we must not put the blame on one man alone. We must distribute the blame all round. Again, I think there is no doubt that the Admiralty have something to do with this failure, because apparently they approved the design that was sent to them; and if so, Sir John Adye was not at fault in that respect. I hold, however, that it was his duty to see that a serviceable weapon was supplied; and when we have a grievance of this kind, on which we can lay our hands, it is the duty of this House to express its opinion in such a manner as will be understood by the person responsible, no matter whether the position of that person be high or low, because if we abstain from expressing our opinion forcibly we shall not be able to remedy the evil under which we have laboured so long. I trust, therefore, that the hon. Member for Preston will press his Amendment to a Division.

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE) (Lincolnshire, Horncastle): I think the Committee will, in the first place, realize and fully understand that no Member of the present Government, or any official at present at the War Office, can fairly be held responsible for the blunders which have been committed.

MR. HANBURY: I beg the right hon. Gentleman's pardon; General Fraser is on the Ordnance Committee at the present moment.

MR. E. STANHOPE: I admit the correction of the hon. Member. I have taken steps in connection with that, and I think the hon. Member will find that I am ready to put the Ordnance Committee on the best possible footing in the future. It is not my business to defend the War Office in a matter which took place in 1871 and 1875; but the Committee will remember that when the subject first came before the attention of the country I appointed a perfectly independent Committee to investigate it. That Committee held an inquiry, and I have to thank them for the information which they have brought before the House. I accept their Report. I do not dispute any single proposition contained in it, and I entirely agree with every hon. Member in this House who has expressed a hope that the blunders indicated in that Report will be brought home to the individuals responsible for them. I have read most carefully not only the Report of the Committee, but the evidence taken by the Committee and the further replies put in by Members nominated by me, and I have come to the conclusion that I was perfectly justified in putting every one of the names I put before the House as those of officials sharing some responsibility, at any rate, for the blunders which had been committed. Now, there are several difficulties which at once occur to the Committee in the matter of bringing home responsibility. The first is the great lapse of time which has occurred. The Committee will remember what are the circumstances attending the issuing of these cutlasses. Most of these weapons were made in 1859; they were converted in 1875-6; they were issued to the Navy and used by the Navy for the period of time extending from 1875-6 to 1885-6, and now after investigation by a very strong Committee they have been pronounced to have been, in conception and by the method of the conversion, weapons unsuited for the purpose for which they were designed. The second difficulty we have to deal with in this matter is that, undoubtedly, many of the defects alleged to-day by the hon. Member for Preston (Mr. Hanbury) and by others are defects not due to individuals only, but due, also, to the system that prevails in the War Office. I am not going to attempt to defend that system. The Committee has already been told of one or two things in respect to which I hope to be able, if I am permitted to retain my present Office, to effect reform. There is one thing in particular I should like to mention. I cannot understand how any system could ever have been thought satisfactory which allowed weapons to continue in the hands of the troops and of the Navy without some means being taken at intervals of testing them in order to ascertain whether they were fit for service. The absence of such testing I believe to be one of the main causes of the blunders which have occurred, and I hope that in the future no such blunders will be possible, because steps will be taken at intervals to test all the weapons in the hands of the troops or in store. But, Sir, we are called upon to pronounce, also, as to the individuals who are punishable in consequence of the blunders which have been committed. The Committee must, I venture to say, be exceedingly careful to look into the evidence in order not to do injustice to individuals. If they were to proceed to deal with this matter judicially, in the light of some of the speeches made, I say the Committee would do injustice to individuals. Take the case of Sir John Adye. I have no reason to desire to defend Sir John

Adye. He was a Member of an Administration opposed to ours, and I am sure when the time comes we shall hear from one of the Members of that Administration a much better defence of him than I can possibly make. I desire, however, to treat Sir John Adye fairly and impartially, and I ask the Committee to do the same. I maintain that it is not treating Sir John Adye properly to call attention to other blunders, made at other times with regard to other weapons, and with regard to which Sir John Adye had nothing to do. It is not fair to heap all this upon him, and to ask the Committee to condemn him upon the strength of all the allegations made against the Ordnance Department in the course of this debate. Now, Sir John Adye was at the time of all these transactions Director of Artillery and Stores. I dare say a great number of the Members of this House do not know at all what the duties of Director of Artillery and Stores are. The Director of Artillery and Stores is not only head of the manufacturing department, which is an enormous charge for anyone to have, but he has, also, to keep the stores for the Army and the Navy, and he is responsible for the manufacture, for the design, and for the issue of all weapons of war both to the Army and Navy. If you say the Director of Artillery and Stores ought to be a man thoroughly acquainted with the manner in which swords and cutlasses ought to be made, I maintain that you will find it exceedingly difficult to get a man thoroughly acquainted with all these processes of manufacture, and, at the same time, know all about the manufacture of big guns, and rifles, and the other munitions of war which have to be manufactured for the Army and Navy. I believe there is no more over-worked man in the Public Service at the present time than the Director of Artillery and Stores. He has to do work which it is physically impossible for any one man to do. The practical conclusion I draw from this is that it is utterly impossible that the present system can continue. The office of Director of Artillery and Stores, as it is at present stated, is one which cannot possibly be satisfactory to the country, and one of the proposals I shall have presently to make to the House, and to the country, will relate to the position and to the duties cast upon the Director of Artillery and Stores. But, Sir, that being so, and the Director of Artillery and Stores being charged not only with the manufacture of swords, but with all the other multifarious duties, of which I have only enumerated a few, let us come to close quarters with the charges made against Sir John Adye. Now, three blunders appear to have occurred in connection with these cutlasses. First, the pattern appears to have been a bad one; secondly, the test applied to the cutlasses appears to have been defective; and, thirdly, the manner in which the conversion was carried out was also radically defective. I take these in turn, and I begin with the conversion. In the first place, it is utterly impossible to suppose that Sir John John Adye could have personally understood thoroughly the method of conversion which had to be carried out; in the second place, when this conversion was carried out, Sir John Adye was no longer Director of Artillery and Stores. [*Cries of* "Oh, oh!"] It is so.

MR. HANBURY: Not in 1874.

MR. E. STANHOPE: The conversion of these cutlasses was carried out in 1875-6, when Sir John Adye was not Director of Artillery and Stores at all, and when, therefore, you cannot attach upon him one atom of responsibility. I trust my hon. Friend the Member for Preston will give Sir John Adye the benefit of that statement.

MR. HANBURY: My charge against Sir John Adye is this—He knew nothing about the manufacture, but he appointed incompetent men. That system went on up to 1880.

MR. E. STANHOPE: Let us take one charge at a time. I have, I think, shown to the Committee that for the conversion of almost all these weapons Sir John Adye was not responsible at all. Then I come to the tests. I admit the tests were defective. The tests were handed down to Sir John Adye. He did not originate them. He received them from his Predecessor, and I think I can read a rather remarkable bit of evidence that will show the Committee, at any rate, that it is not possible to fasten responsibility for these tests upon Sir John Adye. The following is Question 1283, or such part of it as it is essential for me to read, which was put by the Chairman of the Committee to General Dixon :—

> "The late Director of Artillery, Sir John Adye, gave evidence before the Committee yesterday, and we understood from him that the responsibility for devising a test in order to ascertain whether the converted arm would or would not be an efficient weapon lay with you as Superintendent of the Small Arms Factory, and not with him as Director of Artillery. Do you accept that responsibility?"

What does General Dixon say?—

> "Yes; that is to say, myself in conjunction, of course, with my officer, the Chief Inspector of Small Arms, whom I had there, and who, as I explained to the Committee before, was then in charge of all the patterns, and had to get up all the patterns, of course, under orders, and between him and myself, a sufficient test was laid down, and the arms submitted to it."

Now we come to the much more difficult question—namely, that of pattern. Something has been said about the separate responsibility in this matter of the Admiralty and War Office. I am not going into that matter at all, and for this reason—that it is very desirable for Public Departments to settle these matters between themselves, and that they should not, in public at any rate, make an attack upon each other. What the country requires is that these things shall be properly done; they do not care whether the Admiralty or War Office is responsible; but they insist that both Departments will co-operate in order that the work shall be well done. I only wish to refer to the responsibility of the Departments as it affects the position of Sir John Adye. The question of pattern is undoubtedly one upon which some question will arise with regard to the position of Sir John Adye, and it is specially in regard to this, as I now say, having more maturely considered the evidence, that I mentioned Sir John Adye in connection with the blame attached to individuals. But what did Sir John Adye do? He sent the weapon to be tried by the Admiralty. The Admiralty desired that a particular pattern should be carried out if it could be made efficiently. They said—"If this can be done efficiently, we think this pattern ought to be followed." And what did Sir John Adye do? He called upon General Dixon, who was then the Superintendent of the Small Arms Factory, to carry out this conversion; and the conversion having been carried out, the weapon was submitted to the Admiralty for consideration. Sir John Adye said to General Dixon—"Go over and consult with the Admiralty, talk the matter over with them, and see whether the weapon you have prepared is one which is likely to suit the requirements of the Admiralty." I do not know what Sir John Adye could have done other than that; but General Dixon, in his evidence before the Committee, gave a different version of the matter from that which I have given to the Committee. General Dixon, in the letter of observation which he wrote at my request, says—

> "I have no desire to shirk any responsibility which may fairly be attached to me in the manufacture of the patterns, and no one can regret more than I do the results of the conversion of the arms; but neither the pattern sword or the conversion were proposed or recommended by me, and in the manufacture of the patterns I had only to carry out the precise instructions which I had received as to size and general dimensions of the blade, both of which restricted me to the amount of steel to be used, the result being the production of a much lighter blade than it appears ought to have been selected by the Naval Authorities."

Well, Sir, I must say that for the responsible head of the Small Arms Factory to say that having had a pattern given to him he is to go on manufacturing a weapon which he knows not to be an efficient weapon, and not to go to the Director to tell him that the weapon is defective, is, to say the least, extraordinary. I cannot justify for a moment such action; and if General Dixon held this view with regard to the weapons he converted, I hold it was his bounden duty to go to Sir John Adye and acquaint him with the opinion he had formed.

Mr. HANBURY: General Dixon only converted one.

Mr. E. STANHOPE: That is quite sufficient. He had every opportunity of judging whether that was efficient for the Navy, and if he had a doubt as to the efficiency of the weapon he was bound to tell Sir John Adye. At the time to which my hon. Friend refers Sir John Adye was assisted by what my hon. Friend will admit to be a thoroughly competent head of the Small Arms Factory, General Dixon; and Sir John Adye trusted to him the conversion of this one weapon, and he trusted to him to go over to the Admiralty and consult with them as to whether the pattern was an efficient one or not for the purpose. I do not know that it might not have been better if Sir John Adye had inquired a little more directly, and if he had personally heard what had to be said either by the Navy or the Superintendent of the Small Arms Factory. But the utmost that, it seems to me, can really be said against Sir John Adye is that he trusted to the representations made by the Admiralty, and to the representations made after consultation with the Admiralty by his own trusted officer, the Superintendent of the Small Arms Factory. That being so, I ask the Committee whether it is reasonable to deprive a man, for what is after all a very small error of discretion, of what he has earned during a long service to the State? Who is Sir John Adye? Sir John Adye is a man who has done good service in his time. He has served his country for many years, in many Departments, not only in the Small Arms Factory, but as Surveyor General of Ordnance and in other Departments. I say that if we admit the utmost that can be admitted against Sir John Adye it would be a strong thing if, so many years after the occurrence that many of the chief actors have stated that they cannot remember exactly what happened, we deprive him of the retired pay he has earned, and fix upon him a stigma which will remain upon him during the remainder of his life.

MR. HANBURY: I am quite willing to withdraw my Amendment to reduce the Vote by £550, and to substitute one reducing the Vote, say, by £25. All I desire is that the Committee should have an opportunity of expressing its opinion.

MR. CAMPBELL-BANNERMAN (Stirling, &c.): I wish to recall to the recollection of the Committee a few observations which were made by the only Member of the Committee which sat upon this subject who is present as a Member of this House to-night. My hon. and gallant Friend the Member for Finsbury (Colonel Duncan) appealed to the Committee not to pronounce judgment upon the officers concerned in these transactions upon the imperfect evidence we have before us. Now, let me remind the Committee that when these officers were examined before the Cutlasses Committee they came forward in order to assist the Committee, and out of their scanty recollection, and without consulting papers in order to revive their memory, gave all the assistance and information they could to the Committee. It never occurred to them that they were on their trial; that they were going to be brought up before a great tribunal like the House of Commons and mulcted of their well-earned pay, or in any other way condemned or reproved for what they had done. If this had occurred to them they would, no doubt, have been much more prepared to enter into exculpatory evidence, and to explain every particular of the action they took. I must say that it was somewhat unfortunate that the right hon. Gentleman the Secretary of State for War (Mr. E. Stanhope) named these officers, and, at the same time, declined to apportion the responsibility among them. I maintain that if he names officers he ought to take upon himself the duty of saying which among them is really to blame; and it is hardly fair to the Committee—and in that respect I sympathize with the hon. Member for Preston (Mr. Hanbury) who brought this matter forward—it is hardly fair to the House of Commons that names should be put before the House, and that it should be said, as it were—"You must choose among them as you like; I decline to apportion the blame." I think that places not only this Committee, but the officers themselves, in a very invidious position. The Committee will observe that Sir John Adye has distinctly demanded a full inquiry into his part of the transactions; but no one can say that the discussion in this House brought forward by the hon. Member for Preston with great ability and with a great desire to prove his case, and continued by other Members who are actuated some by preconceived opinion, and others I dare say by prejudice—it may be in favour of the officers concerned—no one can say that this constitutes a proper trial on an important question like this. Now, Sir, I believe we all agree as to the soundness of the conclusion to which the Committee on Cutlasses came. There is no doubt whatever that these cutlasses are unserviceable in the full sense of the word. Let me, therefore, put that aside as a matter on which there is no controversy at all, and let me consider what part Sir John Adye had in the matter, because, after all, his is the particular name which is before the House at present. There are, as has been pointed out to the Committee, two separate questions—the question of the pattern, and the question of the process of conversion. Now, I do not think it has been clearly stated that the pattern was fixed before there was any talk of conversion. So far back as 1869 the Admiralty asked for a design for a new bayonet to suit the Martini-Henry rifle, and they expressed their desire that it should be shorter and lighter than that which was at that time in use, and that it should be straight in the blade. This was gone into, and in October, 1869, Major General, or Colonel, Dixon as he then was, who was at the head of the Enfield Factory, reported that he had made a pattern and sent it to the Admiralty for trial. In February, 1870, a month or two later, the Admiralty asked to be supplied, for purposes of comparison, with another weapon with a saw back, and that was furnished to them. It was exactly the same weapon, but with what is called a saw back, and when it had been given to them, and fully tested and tried—[Lord GEORGE HAMILTON dissented.] The noble Lord (Lord George Hamilton) objects to the word "tested." I do not wish to say a word which will raise a difficulty between the Admiralty and the War Office; but I may say that, at any rate, the weapon was tried, and Captain Boys wrote of the new pattern—

> "I consider it an improvement upon the present Service pattern sword. Inspectors and practical men say it is better;"

but afterwards he says—

> "They are of opinion that the sword bayonet without the saw back should be adopted for the Naval Service."

The Admiralty had the alternative which they asked for; they tried both, and they determined to approve the original pattern. That was the 17th of February, 1881. Now, let me stop there, and come to Sir John Adye. I interrupted the hon. Member for Preston, for which I hope he will forgive me, when he was speaking, because I thought one or two circumstances he was alluding to had occurred before Sir John Adye entered the Office. But, at all events, Sir John Adye never saw a paper on this subject, or had anything to do with it, until February, 1871.

MR. HANBURY: That is the charge against him.

MR. CAMPBELL-BANNERMAN: The letter from the Admiralty approving the pattern was the very first paper Sir John Adye had seen upon the subject.

MR. HANBURY: How was that?

MR. CAMPBELL-BANNERMAN: He had been appointed, it is true, in April, 1870; but the Department at that time was in a process of transition. The office to which he was appointed was a new one, and the officer who up to that time had performed analogous duties continued to discharge all the duties that were required until February, 1871. That being so, Sir John Adye cannot be held to be in any respect whatever responsible for the acceptance of that pattern, seeing that the letter from the Admiralty approving of it was the first official intimation he received in the matter. A month or two later—namely, in March, 1871—the Director of Artillery and Stores, that is, Sir John Adye, asked the Admiralty whether the existing store of 12,000 Snider cutlass sword bayonets might be issued to the Navy; and then it was that the Director General of Naval Ordnance raised the question of conversion. He replied that the new pattern was far preferable to the old, and therefore asked that all the Service cutlasses should be "straightened, ground, and shortened, if it could be done efficiently." What did Sir John Adye do? He referred the matter to General Dixon. General Dixon had at that time been 15 years at the head of the Enfield Department; and I appeal to any Member of the Committee whether it is to be expected that an officer of distinction, undertaking the duties of Director of Artillery and Stores, as Sir John Adye did, should have a technical knowledge of all the details of manufacture in respect of every kind of store and munition of war? When Sir John Adye, answering a question says, "I do not know," or, "I have no knowledge on the subject," what he means is—"I am not an expert. I have not a technical acquaintance with all the details of the process of manufacture; for that I look naturally to my skilled subordinates, the Superintendents of the different Departments, and those who serve under them." I venture to say that if Sir John Adye had interfered with General Dixon, and had overridden General Dixon's advice and opinion, he would have been guilty of a very great error indeed; he trusted to General Dixon, and he had every reason to trust to him on account of his long experience. General Dixon raised no objection; he altered one of the old weapons to the new pattern, and forwarded it to the Admiralty. Well, Sir, the Admiralty, after a trial of the altered weapon, approved of it, and a very satisfactory Report respecting the weapon was sent from the *Excellent*. Sir John Adye, however, was not satisfied altogether; and to show that he was not leaping in the dark he raised the question of cost. He asked if it would not be better to have new weapons than to change the old weapons; and, after full consideration of the subject, the matter was finally settled, and was approved by the Surveyor General of Ordnance who was his superior officer, and upon whom surely a good deal of the responsibility rests if it goes as high as the Director of Artillery and Stores. That is the history of the pattern, and that the result arrived at by the two Departments—to undertake the conversion of these weapons; and I think that, if the Committee have been good enough to follow me, they will see that Sir John Adye really had nothing to do with the fixing of the original pattern, and that as to the conversion it was asked for by the Admiralty, and no difficulty was raised by the officers of Enfield, although, as has been pointed out by the Secretary of State for War (Mr. E. Stanhope), General Dixon and Admiral Hood were put into communication at the Admiralty, and General Dixon, of course, was seeing Sir John Adye every day in the week, and, therefore, had ample opportunities of pointing out any difficulty in the conversion, if such difficulty there was. Then there follows in this story a considerable interval, because the decision thus arrived at was not immediately acted upon for reasons into which I need not go, and the actual work of conversion was not commenced till the end of 1874. Now, Sir John Adye left office in July, 1875, so that it can only have been during a few weeks, when a very few weapons were being made, that he had anything whatever to do with the actual conversion of the weapons. The hon. Member for Preston made a great point of the fact that Sir John Adye, although he had had nothing whatever to do with the matter himself, had appointed incompetent men to take charge of the Factory at Enfield. It may interest the hon. Member to know that the Director of Artillery and Stores does not appoint the Superintendent at Enfield.

Lord RANDOLPH CHURCHILL (Paddington, S.): That was given in evidence.

Mr. CAMPBELL-BANNERMAN: He has not the appointment.

Lord RANDOLPH CHURCHILL: He recommends.

Mr. CAMPBELL-BANNERMAN: No doubt he recommends, but he is not responsible for the appointment. At all events, putting that aside, he recommended, as it is said, Colonel Fraser and Colonel Dyer — and the vials of the hon. Member's wrath were particularly poured out on Colonel Dyer. Colonel Dyer, according to the hon. Member for Preston, was a most inefficient man, who had dispensed with skilled labour, and had in many ways transgressed what the hon. Member thinks to be sound business rules. Will the Committee believe that Colonel Dyer had not been very long at Enfield—two or three years—when he was selected by Sir Joseph Whitworth to manage the Whitworth Works, so high a character for business capacity did he possess; and after serving at the Whitworth Works for as many years as he could—I imagine because it was a difficult position—he was taken over gladly and joyfully by Messrs. Armstrong and Co., and that he now has a very important charge in the management of their enormous concern for the manufacture of these munitions of war. I am not going to enter into the question of the organization of the War Office or its Departments. I am very willing to take a reforming view of that question. I am not at all disposed to defend many of the arrangements which now exist, and I hope I shall never be found to put any obstacle in the way of change. But this question as to whether the heads of Departments should be military men or civilians is a question as to which I will only say there is a good deal to be said on both sides, and surely it is, at least, unfortunate that the particular man who is selected for attack by the hon. Member for Preston (Mr. Hanbury) is a soldier who has been selected first by Whitworth, and then by Armstrong, to conduct a large portion of their enormous businesses. I should have thought, and I do think, it is one of the most startling evidences that the arguments as to the employment of soldiers in the manufacturing departments are not all on one side. Well, I think I have disposed of the career of Sir John Adye in connection with this matter. I have shown that he did not come into office practically until after the pattern of this weapon had been settled by the Admiralty and War Office; I have shown that he went out of office just as the conversion was beginning to be made; and now I wish to quote some part of the evidence given before the Cutlass Committee. Hon. Members will bear in mind that if Sir John Adye had any responsibility whatever for the actual process of conversion of these weapons it must have been in 1874 and 1875, because he went out of office early in 1875. Here is the evidence of Captain Luxmore. He says—

> "Last Wednesday I was inspecting the Royal Naval Reserve men at the Peterhead Battery, and on trying 40 sword bayonets they were nearly all good. The same pressure had been put on them, and 32 out of the 40 were perfectly good. The test marks were all of the year 1875."

The next witness, Captain Rawson, of the Royal Navy, speaking of cutlasses found defective, says—

> "All those that were tried were of different dates—I think 1877, 1878, 1879, and 1880."

This may, of course, be a mere accident; but here is such evidence as we can get which proves, if it proves anything, that the weapons converted at the beginning of the period were better, and, possibly, more carefully treated, than those which were converted afterwards. The hon. Member for Preston blames Sir John Adye for not appointing a Committee and taking its advice. As the hon. Member is well informed on this subject, does he remember the history of the Sword Committee? because, if so, he must know that that is not a very encouraging instance of the appointment of a Committee. I noticed that at the beginning of his speech he objected to the Government or its officials sheltering themselves behind Committees. Sir John Adye had at his elbow the very best technical advice he could have in the shape of Colonel Dixon and his subordinates in the Enfield Factory, and if they were not the best men they ought to have been. There is no proof they were not. Everyone who has looked into this question of sword manufacture knows it is an extremely small trade, and an extremely difficult and technical trade. Let the Committee bear in mind the technical evidence given before the Committee which dealt with this subject. By whom had that evidence to be almost entirely given? By rivals of Enfield in the manufacture of swords and bayonets. I do not impute any unfair motives to those who gave the evidence; but I think they would be more than human if they were not biassed against what was going on at Enfield. I need not say anything more in advising the Committee not to accept in this hurried way the Motion of the hon. Member for Preston. Sir John Adye has been accused of many things; but of all things that I can imagine he should be accused of the last is what the hon. Member stated of him—namely, that he was always opposed to reform. That is a rather odd objection for the hon. Member for Preston and his Friends to take; but, as a matter of fact, Sir John Adye has been the most active reformer in Army matters we have had, and a valiant and sturdy economist. I hope the noble Lord the Member for South Paddington (Lord Randolph Churchill) will have a kindly feeling for him on this account. Sir John Adye has brought upon himself a vast amount of unpopularity because of his economical and reforming tendencies; and, therefore, there is some irony in the fact that he should have been selected upon this occasion for attack. I have, I hope, proved that he had very little to do with this matter; at all events, that he had not enough to justify the Committee of the House of Commons in jumping at the conclusion that he must be guilty of this great error. I can only repeat here, as he has urged in his letters, the claim on his part that the whole of his conduct in reference to these matters should be referred to the judgment of some tribunal before which he would have an opportunity of clearing himself.

Lord RANDOLPH CHURCHILL (Paddington, S.): The right hon. Gentleman (Mr. Campbell-Bannerman) has made the most ingenious defence of Sir John Adye that the Committee has yet been favoured with; but even he, I think, has been carried very far in his desire—his very laudable desire—to defend a political ally. Undoubtedly, Sir, the Party opposite are under considerable obligation to Sir John Adye, and I think that one might fairly argue that the reason why Sir John Adye did not give that close scrutiny to the comparatively minor duties of his office as Director of Artillery and Stores was that the Colleagues of the right hon. Gentleman (Mr. Campbell-Bannerman) were at that time occupied in enormous schemes of Army reform—the abolition of purchase and reforms of that kind—of which Sir John Adye was one of the greatest supporters, and to the carrying of which I suspect he devoted the whole of his time. That is undoubtedly so.

MR. CAMPBELL-BANNERMAN: I was at the War Office at the time, and I know that this is not so.

LORD RANDOLPH CHURCHILL: I think the right hon. Gentleman was quite right in defending Sir John Adye; but when I come to think over the speech of the Secretary of State for War (Mr. E. Stanhope) I arrive at a totally different conclusion. Why is this Motion brought on to-night by my hon. Friend the Member for Preston (Mr. Hanbury); why has he stated with so much care the evidence, and constructed with so much elaboration and force his indictment; why has the Committee been now from 6 o'clock to 9 o'clock investigating this question? Because of the importance of the matter, but mostly because of the conduct of the Secretary of State. The Secretary of State, on being asked, after the disclosure of this great scandal, who, in his opinion, as a responsible Minister of the Crown, was responsible for the scandal, named Sir John Adye, whose conduct is now under the notice of the Committee. The right hon. Gentleman stated that the responsibility as regards the pattern must be shared by Sir John Adye and the others whom he named. Therefore, the Secretary of State for War, the responsible Minister of the Crown, on a matter about which no popular excitement existed, named in the House of Commons the persons the House of Commons should treat as responsible in this matter. That being so, how can the Secretary of State have the face to get up at that Table, and make a defence of Sir John Adye as he did to-night, to sneer, as he did, at my hon. Friend the Member for Preston for having stated with so much force and argument the indictment against Sir John Adye? What I want to ask the Secretary of State for War is this—namely, whether, when he named Sir John Adye as responsible for this scandal, he had communicated with Sir John Adye; whether he had Sir John Adye's letter before him which has since been published; whether the statement was made to the House before he was in receipt of Sir John Adye's letter, or subsequently? I am perfectly certain the statement was made before the receipt of the letter. Very well, what is the position now?

MR. CAMPBELL-BANNERMAN: I think the noble Lord——

LORD RANDOLPH CHURCHILL: I am asking the question of the Secretary of State for War. A General Officer of distinction is named to the House as responsible for certain scandalous occurrences, and what I want to know of the Secretary of State is whether he named Sir John Adye before he received Sir John Adye's observations in his own defence? That is a question to which it is only fair we should have an answer.

MR. E. STANHOPE: I say plainly I received the letter after I made the statement.

LORD RANDOLPH CHURCHILL: Observe how infinitely stranger becomes the conduct of the Secretary of State. Before he receives Sir John Adye's letter in his own defence, he names Sir John Adye as responsible for these scandalous occurrences, and then he makes it his duty to inquire whether Sir John Adye has anything to say in regard to the matter. Really, after conduct of that kind, no censure of any sort or kind can be brought by the right hon. Gentleman against an independent Member of the House of Commons such as my hon. Friend (Mr. Hanbury). The Secretary of State comes down to the House, and, without previous communication with an officer, holds up that officer as distinctly responsible, and to a certain extent guilty, for a scandal which has occurred, and it now appears he would deter the House of Commons, nay, more, he would actually resist the House of Commons, or the independent section of it, in doing what he himself has set them the example of doing—namely, turning what has occurred to practical account. What does the right hon. Gentleman do now? He makes a most elaborate defence of Sir John Adye, and dilates upon his past career. He tells us it is a very distinguished career. There have been a great many soldiers and a great many sailors who have performed distinguished services to their country; but when they have been found to be responsible for great official miscarriage, or even great disorder, their past career has not saved them from punishment. No one denies the brilliancy of Sir John Adye's past career; the question is whether he was responsible for bad weapons getting into the hands of our sailors, and his past career has nothing to do with the occurrence. Well, Sir, the Secretary of State, in his desire to defend Sir John Adye, attacked my hon. Friend (Mr. Hanbury), and sneered at him for the violence of his attack. But the right hon. Gentleman (Mr. E. Stanhope) also has an enemy among the lot whom he held up to the Committee for condemnation. His especial enemy or especial aversion appears to be General Dixon. It is obvious from the manner and tone of the Secretary of State that he objects altogether to our censuring Sir John Adye, but that if we are inclined to censure General Dixon he will have nothing to say against our action. What is the charge against General Dixon? The right hon. Gentleman says General Dixon acted in a manner in which no officer ought to have acted, because, he says, General Dixon disapproved of the weapon, but, nevertheless, continued to make it. He says that General Dixon ought to have refused to make the weapons. Now, nobody who knows anything about the working of the War Office can for a moment contend that a subordinate can oppose his superior in such a manner as this. It is an unfair, and even an untrue, position for the right hon. Gentleman to make. What would have been the position of General Dixon if he had opposed the Surveyor General of Ordnance in this matter? He would have been told to keep his opinions to himself, just as Colonel Butler was told to mind his own business when he expressed the opinion that the swords supplied to the Army were unsatisfactory. What happened in the case of the 43-ton gun? The 43-ton gun was condemned by an expert, who was told it was a good weapon, and he must mind his own business. It is unfair, and almost unprincipled, to pitch upon minor officials and say that the responsibility rests with them, when it does not when scandals occur. Read the Royal Warrant defining the duties of the Surveyor General of Ordnance, and you can come to no other conclusion from that Royal Warrant than that the Director of Artillery and Stores is solely responsible to the Surveyor General of Ordnance and to Parliament for everything that takes place. The only charge the Secretary of State can bring against General Dixon is that he did not do what no subordinate would, under the present system, dare to do—he did not refuse to make a weapon which his superior told him to make. Now, the right hon. Gentleman the Member for the Stirling Burghs (Mr. Campbell-Bannerman) said that Sir John Adye had made a demand for inquiry, and he thought that demand ought to be acceded to. But we have had Committee after Committee; and Sir John Adye has been heard in his own defence—the whole of his evidence was taken. More than that, the right hon. Gentleman seems to forget that after the Secretary of State pronounced this censure upon him, and held him up as responsible to the House of Commons, Sir John Adye wrote a long and elaborate letter to the Secretary of State, in which he entered fully into all the charges, and in preparing which letter, I understand, he had special facilities for access to all papers and documents. How can the right hon. Gentleman (Mr. Campbell-Bannerman) say that Sir John Adye has had no opportunity of defending himself against these charges? He has had every opportunity; and you might appoint a Commission or a Committee to-morrow, and all that would happen would be that they would go over the old ground; and Sir John Adye would make the same defence as he does now. I quite agree it is unfair to expect the Director of Artillery and Stores to be skilled in the process of manufacture; but this is the case against Sir John Adye. Why did he not take independent expert opinion before he consented to this very important change in the weapon to be supplied to the Navy? And why did he not, having got the weapon, insist himself, as a soldier, in finding out whether the weapon was a good and reliable weapon? That requires no technical knowledge; you require no technical knowledge to get expert opinion; and one would think that on such a matter expert opinion was essential. These are the two things Sir John Adye did not do; and if this Committee takes any action in this matter, it will be in consequence of this want of action on the part of Sir John Adye. I was very much struck by a remark which fell from the hon. and gallant Gentleman the Member for the Ince Division of Lancaster (Colonel Blundell). The hon. and gallant Gentleman seemed inclined to play the game which many have played before him—the game of hide and seek, to discover where the responsibility in this matter lies. Sir, the responsibility really lies, under the present system, with the Secretary of State, and nobody else. The present system is the greatest absurdity that can be supposed; indeed, I believe that if it were proposed by any man in Bedlam to the other inmates of Bedlam they would resolve that their brother lunatic ought to be put into a madhouse. The only person really responsible to Parliament, under the present system, is the Secretary of State himself; and, undoubtedly, in a technical sense, if you proceed against Sir John Adye, you will proceed against a person who can set up a great Constitutional defence for himself. The Secretary of State who was in Office at the time of these occurrences has long since passed away, and there is no opportunity of censuring him. I think it would be unfair if the Committee were to deprive Sir John Adye of the whole of his pension. I do not think my hon. Friend wishes that for one moment. What the Committee wishes is to guard against the danger of the Secretary of State getting up in future and saying—"Yes; it is all very bad; it occurred long ago. We are not responsible, and we are going to make a change." The House understands that the insane system under which these bad cutlasses were made some years ago obtains now; the same system of appointment; the same system of wasteful and extravagant expenditure; the same system of putting duties upon men which they cannot perform; the same system of continuing to create new appointments for no other purpose than that of increasing the patronage of Ministers. [*Cries of* "No, no!"] Yes. I say that without the smallest hesitation, because I am able to prove it. A whole series of appointments which now obtains in the Army and War Office administration have been designed with one object mainly, and that is not the good of the Public Service, but to increase the patronage of the Minister. The same system attains now which attained heretofore; the same system under which miscarriages and scandals took place in 1885 continues now; nothing has been changed, nothing altered. The Secretaries of State have got up one after another and admitted the facts to the House, and stated their intention of introducing great reforms. Nothing has been done. The old system remains in its entirety, and is capable of producing the same monstrosities it produced 10 or 20 years ago. This is what the House of Commons has to face; it has shown to the public, not only to the two Front Benches, but to the people whom it represents, that it is sensible the time has come when the House of its own independent action must put pressure upon the Leaders of Parties to bring about such reforms as will make these monstrosities impossible. That is what I implore the House of Commons to do. Do not let us punish individuals vindictively. We have to remember that there are a great many considerations; we have to think that the time when this scandal occurred has long gone by; but this we may do—we may take what I shall call nominal action against Sir John Adye. We can say that these great scandals having been brought to our knowledge one after another, and the Secretary of State having held up to the House of Commons no one single individual as responsible for the scandals, we may well say we will act in such a way as will form a commencement of action in the future, and as shall give a clear and definite warning to those servants of the State who hold high positions and receive high salaries, and who very often get great reward, that the time has come when a new state of things altogether must obtain; when the House of Commons will pursue a different line of action, and will itself, when scandals and miscarriages are fastened upon public servants by the clearest evidence, take the matter into its own hands and pronounce on these servants the censure of the people.

Sir, I do think this is an important matter of public policy which has been brought forward by my hon. Friend, and certainly it will be no good if we only go on complaining of the waste of money and the inadequacy and inefficiency of the Service. We shall do no good until we take some action which will be a landmark, a new departure, a warning to public servants in the future. What, therefore, I advise the House to do, and what I sincerely hope the Government will not oppose, is that we should reduce this salary by a merely nominal sum—it matters not whether 20*s.* or 40*s.*—so that this debate shall remain as a record of the time when the House of Commons awakened to a sense of the great danger to which the Public Service was exposed, and as a record to establish a precedent which in future time it will act on more vigorously if similar scandals come to light.

Mr. R. W. DUFF (Banffshire): I will only detain the Committee for a very few minutes; but there are one or two points which have been raised in the course of this discussion upon which I should like to hear some expression of opinion from the Front Bench opposite. I cannot agree with the hon. and gallant Gentleman the Member for Finsbury (Colonel Duncan), who represents the Committee, when he tells us that they expressed no opinion. It is quite true that the Committee did not wish to cast blame upon anybody; but so far as their giving an opinion is concerned, during the whole of my experience of Select Committees—and I have had to do with a great many of them—I never knew a more decided opinion pronounced than was pronounced by the Committee in question. The hon. and gallant Member says they pronounced no opinion upon any matter of vital importance. Well, in the concluding sentence of their Report the Committee say—

> "That they believe the converted cutlasses and cutlass sword-bayonets of the pattern of 1871, with which for the most part the Navy is now armed, are absolutely inefficient, untrustworthy, and unfit for service."

I think that is a very decided expression of opinion. The Committee will agree with me, from what has taken place in this debate, that a great deal has transpired that places us in a false position. I have read the evidence taken by the Committee, and the conclusion I have come to is that a great deal of the unsatisfactoriness of the state of things that prevails is due to the want of responsibility—in fact, to divided responsibility. I think we have had some evidence of that fact. My hon. and gallant Friend the Member for the Eastbourne Division of Sussex (Admiral Field) has already asked some question about the First Naval Lord, Admiral Sir Arthur Hood, and it is quite impossible to read these Papers without seeing that the want of understanding between Admiral Hood and the War Office, and the want of specific instructions to these officers, lead to the unfortunate state of things which prevailed. The right hon. Gentleman the Secretary of State for War deprecated giving us any information as to the state of the War Office and Admiralty. The right hon. Gentleman says they settle these matters between themselves; but that is exactly what I object to. What the House desires, as the noble Lord the Member for South Paddington (Lord Randolph Churchill) has said, is that the responsibility for the state of things which prevailed should be put upon somebody. You want this—that if the Secretary of State for War is to get up and attach blame to the First Lord of the Admiralty, and if an hon. Member, with the leave of the House, is to get up and ask where the blame is to be attached, then the whole question should be raised, and the whole question should be settled. I am bound to say that I agree with a great deal of what has fallen from the hon. and gallant Admiral opposite on this question. As I have said, I have read through these Papers very carefully, and the main difficulty, it seems to me, is this—the swords and cutlasses were condemned not so much for their pattern and design as from the fact that they were made of bad metal; and the question arises who is responsible for that? The view I take on the matter is the one which is expressed by the Board of Admiralty in a letter contained in these Papers. The Secretary to the Admiralty, writing to the Secretary of State for War, on the 15th of July of this year, says—

> "As a summary of the whole question of the conversion of the sword-cutlasses, I am to state that the Admiralty admit their responsibility of approving the pattern to which they were altered, with regard to its handiness—namely, shape, weight, and length—based upon

favourable Reports, received on these points, from many competent naval officers, to whom the weapon was sent; but the Admiralty disclaims *in toto* any responsibility for the means adopted for the conversion of the sword-cutlasses, or for the nature of the tests applied after conversion. The responsibility must rest solely on the Department which, as manufacturers, carried on the conversion, and decided upon the tests to be applied to the weapons after conversion."

That is the view put forward by the Secretary to the Admiralty; and I am bound to say that it appears to me a perfectly reasonable view. But I want to know if that view is supported by the opinion of the First Lord of the Admiralty, and whether the Secretary of State for War accepts it; and, if so, who is responsible in his Department? We want a distinct answer to that question. We have no guarantee that this same kind of thing will not go on again. We want to know whether the Admiralty or the War Office are responsible? As was stated in the early part of the evening by the gallant Admiral, the Admiralty are not manufacturers. My contention is, that the Admiralty are no more responsible for the metal of which these cutlasses are made than they are for the metal of which the guns on board the *Collingwood* and other vessels, which occasionally blow off their muzzles, are constructed. That is the view that we take, and that view is supported by the War Office itself, because I find in the Appendix to the Minutes of Evidence taken before the Select Committee, on page 87, that the Admiralty and the War Office take exactly the same view in objecting to naval officers examining these weapons. On page 87 you will find these words—

> "The Superintendent of the Royal Small Arms Factory also hoped that the Director of Artillery would not encourage tests at out stations where there are no proper appliances; and the Senior Store Officer at Portsmouth was thereupon directed not to carry out any more tests."

That was the opinion of the War Office. With this evidence before us, and with the letter of the Secretary to the Admiralty, I cannot myself understand how Sir Arthur Hood is to be held responsible. But this question must be settled, because a great deal of difficulty has arisen from want of a distinct understanding between the two Departments. Until the matter of responsibility is cleared up, there will be no guarantee that we should not in the future have repetitions of the scandal which we are debating on to-night. I should like to ask a question of the Admiralty as to the representations contained in the Report. The Select Committee, very early in the day, found out that a great proportion of the cutlasses in the Navy were useless, and, in a letter dated the 1st of March, directed the attention of the First Lord of the Admiralty to the matter, and suggested that new weapons should be supplied for the old ones. I should like to know whether any steps have been taken to carry out that recommendation, or whether the Navy is still supplied with these weapons shown to be useless? Then Colonel Arbuthnot, in his evidence, refers to a new cutlass which he thinks very well adapted to the Navy, and I should like to know if the Admiralty intend to adopt the pattern which he recommends? But I must say that I agree with the noble Lord opposite (Lord Randolph Churchill) that it is the duty of this House to sift the question, and to ascertain with whom the responsibility rests. I admit that the case my right hon. Friend the Member for the Stirling Burghs (Mr. Campbell-Bannerman) has put forward, to a great extent, meets the case against Sir John Adye, because it is impossible for anyone who will look at this evidence, and who will turn to the last page but one, and see the time at which these cutlasses were converted, to come to any other conclusion than that a very great portion of them were converted between the years 1874-5 and 1875-6. In my opinion it is impossible to visit all the blame for what has occurred on Sir John Adye, and it is extremely unfair to attempt to do so. It will be found that most of the cutlasses were converted after Sir John Adye left Office. How he is to be blamed for what occurred when he was not in Office I cannot conceive——

MR. BRADLAUGH: Over 2,000 were converted before he left Office.

MR. R. W. DUFF: If the hon. Member will look at page 93, he will see that in 1874-5 no naval cutlasses were converted, and that in 1875-6, 17,380 were converted.

MR. BRADLAUGH: Sir John Adye left in 1875.

MR. R. W. DUFF: With regard to naval sword bayonets——

Mr. BRADLAUGH: Yes; in 1874-5, whilst he was in Office, 2,166 naval sword-bayonets were converted.

Mr. R. W. DUFF: On what page is that?

Mr. BRADLAUGH: Page 93.

Mr. R. W. DUFF: I have the page here; but I do not see that statement.

Mr. BRADLAUGH: Under the head Naval Sword Bayonets Converted, you find that 2,166 were converted in the year 1874-5.

Mr. R. W. DUFF: I cannot find anything before 1874.

Mr. BRADLAUGH: But you have 1875.

Mr. R. W. DUFF: I do not know whether the hon. Gentleman was in the House during the speech of my right hon. Friend the Member for the Stirling Burghs, who, I think, was pretty clear on that point. Whilst I admit that there is a great amount of force in the remarks on this subject which have fallen from the hon. Member for Preston (Mr. Hanbury), and that there is great blame to be attached somewhere, and while I believe that the War Department are answerable, to a large extent, for what has occurred, I think that after what has been said by my right hon. Friend it is scarcely fair to cast that blame upon Sir John Adye. Under the circumstances, so far as I am concerned, I cannot vote with the hon. Gentleman, though I admit that there is a great deal in his observations worthy of consideration. I am for ascertaining the degree of responsibility that exists between the Admiralty and the War Office, and I am certain that the noble Lord the First Lord of the Admiralty will not consider the position of affairs satisfactory, and after the statements which have been made to-night, and seeing that the Admiralty is left under some blame, will see the desirability of his making a statement upon that point.

The FIRST LORD of the ADMIRALTY (Lord George Hamilton) (Middlesex, Ealing): I had not intended to take part in this debate, because I thought it would be more convenient for me to reserve my defence of the officials of the Admiralty until they were attacked.

Mr. R. W. DUFF: They were attacked by the Secretary of State for War.

Lord GEORGE HAMILTON: It appeared to me better that I should reserve my defence until they were attacked in such a shape as would enable me to take notice of it—that is to say, until the attack assumed some specific form with reference to their salaries. It seems to me that the hon. and gallant Gentleman who has just spoken has made a speech which utterly frustrates and annihilates the object for which he spoke. He says he wishes to concentrate responsibility, and in order to arrive at that concentrated responsibility he asks a series of questions as to the cutlasses in use in the Navy, on the Vote for the Retired Pay of the Army. What must have been evident to the Committee was that the hon. and gallant Gentleman, knowing that the Navy Estimates are not coming on for a few days, and being anxious to retire to pleasanter scenes, made a speech to-night which he had intended to deliver in connection with those Estimates.

Mr. R. W. DUFF: I beg pardon. I spoke upon nothing but matter contained in the evidence given before the Select Committee. I have not said a word about the Navy Estimates. I merely asked a question as to the recommendation of the Committee.

Lord GEORGE HAMILTON: Well, the question as to the shape, weight, and length of the cutlasses in use in the Navy cannot by any possibility be referable to the Vote for the Retired Pay of the Army. But as the hon. Member has asked me a definite question I will answer him. I did not interfere in the debate, because I think nothing is more unadvisable, when there has been unquestionable blundering on the part of a Government Department for some time back, than that there should be a difference of opinion as to their respective responsibility for such mistakes. The country does not in the least care to listen to recriminations between Departments as to the responsibility of the officials employed in them; but what it does care for and what it wants is, that the system shall be improved, and that whatever mistakes have been committed in the past shall, if possible, be obviated in the future. Therefore, I shall abstain from making remarks upon certain points in the statements made in reference to the officials at the Admiralty. But the hon. Gentleman who has just sat down has read a despatch or letter signed by the Secretary to the Admiralty on the 15th July, 1887. We are now at the 4th August and he wants to know whether we have changed our opinions since the letter I refer to was written—a very natural question, perhaps, coming from that side of the House, and considering that on the Bench on which the hon. Gentleman sits there are so many who have lately changed opinions. He wants to know, I say—[Mr. R. W. Duff: No, no!] The question he asked me was whether, between the 15th July and the 4th August I had changed my opinion—whether I still adhere to the letter of the 15th of July? Why, of course, I adhere to that letter. I do not wish to come into collision with my right hon. Friend who represents the War Office (Mr. E. Stanhope). The position the Admiralty have always taken up—which I have maintained before and which I now sustain—is this—that wherever a Government Department manufactures articles it is responsible for the work it turns out. That is our position, and I am sure that if any attempt is ever made to divide responsibility between the manufacturers and the user, you will never be able to make anyone finally responsible. I trust the hon. Gentleman will understand that it is not from any lack of zeal on the part of the Naval Service, or from any disbelief in the statement made by Sir Arthur Hood in his evidence before the Committee, that I did not speak, but from a desire to keep out of this discussion all controversy between the Admiralty and the War Office as to responsibility. We have discussed this subject at considerable length, and as there are other matters of importance to be disposed of on subsequent Votes, I trust I am not exceeding my function in expressing a hope that the Committee will now allow this Vote to be taken.

Colonel HUGHES (Woolwich): I feel I must say a word or two on this subject, because I conceive there is very great danger if, after pensions have been earned by a series of brilliant services, it should be considered competent for the House of Commons at any time to refuse those pensions on the ground of a blunder having been committed, without submitting the alleged blunder to investigation by a proper tribunal. If the Committee were to pass this Resolution, the Service would be damaged very considerably—if pensions were subject to supervision by the House of Commons. If we are to take off £25 a-year from the pension of an officer who has rendered the country faithful service on account of an alleged blunder, it seems to me that we shall be turning this House into a Court for the collection of small debts. How is it possible for this Committee—how is it possible for me, sitting here, as I do, as an independent private Member—to pretend to judge whether General Sir John Adye has made a mistake or not? He has written a letter which has very materially altered the opinion of the right hon. Gentleman the Secretary of State for War. The right hon. Gentleman once stated that Sir John Adye must share the blame; but since that this letter has been written, and the right hon. Gentleman—perhaps in consequence of the letter—is now prepared to recommend that the pension should be granted. I understand that Sir John Adye is most anxious to be tried for the offence imputed to him, so as to have the matter threshed out. The evidence he gave before the Select Committee was given in the interest of the country generally, and not in reference to any charge against himself. That fact must be borne in mind. I certainly think this Committee will be embarking on an extremely dangerous course if, sitting as a Court of Judgment on a matter on which it is very imperfectly informed, it takes upon itself to mulct a gallant officer, who in 1882 received the thanks of the country for his services in Egypt, in a fine of £25 a-year. It will be a most dangerous course to interfere with just rights acquired under a Royal Warrant. I think that an officer should receive his pension without the slightest doubt. The credit side of the account should be the reward which the country pays for service rendered, and if there is anything to be put on the other side of the account let it be proved before some competent tribunal.

Sir EDWARD HAMLEY (Birkenhead): If I rise it is only for a moment, and for the purpose of moralizing on the instability of human affections. I see on the Front Opposition Bench a right hon. Gentleman, the Member for South Edinburgh (Mr. Childers), who has been for many years associated at the War

Office with Sir John Adye. Their relations have been very intimate and very peculiar. They have been those of a bear leader and his bear. Sir John Adye put, so to speak, a ring in the right hon. Gentleman's nose, and led him about in various directions. Sir John Adye piped a great number of tunes, and the right hon. Gentleman danced a corresponding number of dances. Whether those performances resulted in any great advantage to the Public Service I do not undertake to say —I do not, myself, think they did. But what I want to point out is that their relations were very intimate, and the right hon. Gentleman's policy, so far as he can be said to have had a policy, which is not very far, was due to the inspiration of Sir John Adye, and therefore I expected that when the right hon. Gentleman heard his friend assailed as he has been, he would have sprung from his seat and defended him in the most impassioned manner. But, alas, for such associations, the right hon. Gentleman has retained his seat, and preserved a prudent, though not very magnanimous, silence.

Mr. CHILDERS (Edinburgh, S.): The hon. and gallant Gentleman has thought fit to introduce into the debate what I almost expected you, Sir, would censure him for introducing—that is to say, matter that has nothing whatever to do with the present debate. I had the great honour—no one recognizes it more than I do—of being associated with Sir John Adye between the years 1880 and 1883, during which time I also had the honour of being associated with the hon. and gallant Gentleman (Sir Edward Hamley) himself in more than one matter to which the hon. and gallant Gentleman, who owes a good deal to my selection of him for public employment, has not thought it necessary to allude. I did not think it necessary to intrude myself early into a debate as to Sir John Adye's conduct in 1871, and again in 1874-5, seeing that I was not in Office at all—either in the War Office or anywhere else—during that time, and because, therefore, my information in regard to the War Office of that day is derived only from sources of information open to any private Member. But my right hon. Friend the Member for the Stirling Burghs (Mr. Campbell-Bannerman) was in Office, and is familiar with what occurred from official acquaintance with the facts. He was perfectly competent to address himself to the question before the Committee, and after the Secretary of State had spoken he addressed the House, and he has, I think, made a very conclusive speech. Why it should have been supposed by the hon. and gallant Gentleman opposite that it was my duty to get up, without personal information on the subject, and repeat my right hon. Friend's speech, I cannot conceive. Still, as the hon. and gallant Member has challenged me to say a few words, I will take advantage of the opportunity so given to me, and will address myself for a few moments to matters that have been alluded to to-night. I listened with great attention to the speech of the noble Lord the Member for South Paddington (Lord Randolph Churchill). I have the honour to be associated with the noble Lord on the Committee that is going fully into questions of Army organization and economy; and I am the last person to desire in any way to run counter to or impede the efforts he is making. Still more should I be unwilling to interfere in any difference of opinion between the noble Lord and the Secretary of State. But I am bound to say that the noble Lord the Member for South Paddington has made one mistake, which I think he will be the first to recognize. I watched with great care what the noble Lord said about responsibility, because I entirely agree with him—he knows, from what has taken place in the Committee upstairs, that I agree with him—that the great point in connection with responsibility in Army administration is to fix it on those who are really responsible. But here he made a mistake—and I am sure he will recognize it. He said, very properly, that responsibility for all matters under their control rested on those named in the Warrant or Order in Council, and he said that Sir John Adye's responsibility was that of the Head of a Department.

Lord RANDOLPH CHURCHILL: My contention was this—I think there is great difference between responsibility which may exist from a subordinate to a superior in respect to the duty to be discharged and the responsibility of a Department. The responsibility we have to do with to-night is the responsibility of the Head of a Department.

MR. CHILDERS: I agree with the noble Lord. I was referring to the Order in Council which he spoke of. He must remember that that Order in Council does not even mention the Director of Artillery and Stores——

LORD RANDOLPH CHURCHILL: I said so.

MR. CHILDERS: But alludes only to the Surveyor General of Ordnance.

LORD RANDOLPH CHURCHILL: Yes; I said so.

MR. CHILDERS: The noble Lord will forgive me. If I have misrepresented him, I am sorry; but I think he said that only those named in the Order in Council are responsible. Well, in that case, it would be on the Surveyor General of Ordnance, under the Secretary of State, that direct responsibility is thrown by Her Majesty's Order in Council. But Sir John Adye was not Surveyor General of Ordnance in 1871, nor in 1874-5; during the latter period, the Office was held by Lord Eustace Cecil, and on him, so far as the Order in Council is concerned, responsibility was thrown. I agree with the noble Lord as to the duty of throwing responsibility on the proper person; but when he refers to the technical definition of that responsibility, if we go by the Order in Council, it will not rest with Sir John Adye, but on those who occupied the Office of Surveyor General of Ordnance. At the conclusion of the noble Lord's speech—which I waited for with great interest, and with, I am bound to say, great respect—he said—"Let us make a new departure. Do not let us inflict anything but a purely nominal penalty; let it be a question of 20*s*., and let the new departure be not with reference to Sir John Adye, but with reference to higher responsibility," that higher responsibility about which the noble Lord spoke so much. Well, let us make that new departure; by all means let us fix responsibility where responsibility is due; but, then, I cannot see why Sir John Adye should be made the recipient of punishment—a species of whipping boy—in this case. I do not see why he should be fined 20*s*.—I believe that is what the noble Lord suggested—because there has been at the War Office, on the part of others, a failure with regard to responsibility. I do not think that is logical, and I do not think it is fair. It would be throwing a great stigma upon Sir John Adye, which would remain long after the details of the debate are forgotten. That will be an injury to him, and will lead to no public advantage.

MR. HANBURY (Preston): I quite agree with the noble Lord the Member for South Paddington, that this Vote ought not to be passed with any idea of vindictiveness. I am willing to reduce it to the smallest amount; but still I think that some reduction ought to be made, to show that the Committee is not satisfied that a Select Committee should sit and report, as this Committee has reported, without any notice being taken of it whatever. I should be willing to reduce the amount in my Motion to 20*s*., but I find that cannot be done. I would ask you, Sir, what is the lowest amount I should be able to fix?

THE CHAIRMAN: It is not a part of the duty of the Chair to lay down an absolute rule as to the lowest amount of reduction it is possible to move under such circumstances as these. The sum suggested by the noble Lord the Member for South Paddington could not be moved as it would be purely nominal, and it is for the hon. Gentleman himself to mention the amount by which he wishes to reduce the Vote. It will then be the duty of the Chairman to say whether the Motion is one which he can put.

MR. W. BECKETT (Notts, Bassetlaw): To however small an amount the hon. Gentleman the Member for Preston (Mr. Hanbury) may desire to reduce the sum there will still remain a stigma upon Sir John Adye. I have listened carefully to this debate, wishing to arrive at a perfectly impartial judgment. I think that in putting any stigma upon Sir John Adye we are putting the saddle on the wrong horse. I have no personal knowledge of Sir John Adye at all. I know, of course, something about his public career as all hon. Members do. It seems that he has been connected with a system which we all desire to see altered; but it is plain from the facts which have been stated during the course of the debate and from the admission of the noble Lord the Member for South Paddington himself, that the pattern of the cutlasses was fixed before Sir John Adye took Office at all; and we have the noble Lord's admission that very few of the cutlasses were made before Sir John

Adye went out of Office. How, then, with any sense of justice to him, can we place upon Sir John Adye this stigma? I do hope that hon. Gentlemen on these Benches who generally show a desire to act fairly to everybody—[*Laughter*]—well, that is my opinion—will consider this question carefully, and bear in mind that however small the amount may be, if any money penalty is inflicted the injury done to Sir John Adye will be infinitely greater than the penalty; while we should be making him responsible for that for which in my conscience I do not think he is responsible.

Mr. AIRD (Paddington, N.): I beg to join in the appeal that the hon. Member (Mr. W. Beckett) has just addressed to the Committee, and to urge the withdrawal of the Amendment. Like the hon. Member who has just spoken, I have not had the good fortune nor the honour of knowing Sir John Adye; but, as a new Member who has only recently entered the House, I have a feeling of deep regret that a subject appertaining to so distinguished an officer should have been discussed and continued for so long a period. [*Laughter and cries of* "Order!"] Many may agree with me, and many may not; but I desire only—[*Laughter*]—pray give me an opportunity, as a new Member, to speak. Do not attempt to discourage me in expressing my feelings for the first time in the House of Commons. I have listened with considerable attention—I might say with impatience—at the time which has been consumed by hon. Members opposite during the past fortnight — [*Cries of* "Order!" *and laughter.*]

The CHAIRMAN: Order, order!

Mr. AIRD: I bow to your decision, Sir. I do not wish to say anything disrespectful, only this—that while I listened with impatience to the Irish Members, my feeling during the present discussion has been one of greater impatience. [*Laughter.*] I feel that my speech on this occasion will not be a success. [*Cries of* "Go on!"] I will go on. What I desired to say was that I regret very much that the time of the House should have been so much occupied by matters which have reference to and which have reflected upon a distinguished officer, and I trust that hon. Members will no longer hesitate in coming to a decision.

Mr. E. STANHOPE: May I make an appeal to the Committee to come to a decision at once? I do not intend to reply to the criticisms of my hon. Friend or of anyone else who has spoken since I have come into the House; but I wish to say, simply, that I think this matter has been thoroughly threshed out. If the hon. Gentleman the Member for Preston (Mr. Hanbury) wishes to take up narrower ground than he originally proposed, I have no objection.

Mr. ARTHUR O'CONNOR (Donegal, E.): I believe that the Government arranged that this Vote should be taken first to-night, in order that the question raised by the hon. Gentleman the Member for Preston might be fully discussed. I agree with the right hon. Gentleman (Mr. E. Stanhope) that it has already received very ample notice, and I do not desire to prolong the discussion; but inasmuch as the issue raised by the hon. Member for Preston, or rather the form of the issue raised by the hon. Member for Preston, may appear somewhat invidious, I would suggest to him that he would act wisely if he obtained the permission of the Committee to withdraw the Amendment, which is of a personal character, and moved to reduce the Vote by a small, but still the substantial, sum of £50, which would be a sufficiently adequate reduction to mark the sense of the Committee with regard to the merits of the question the hon. Member has raised.

Sir WALTER B. BARTTELOT (Sussex, N.W.): I wish only to say one word—namely, that I think the suggestion which has just been made would far better meet the views of the Committee than that which was proposed before. I think it would be very invidious to single out Sir John Adye from many others for punishment on account of what may appear to the Committee to have been a neglect of a portion of duty that I will not for a moment deny ought to have devolved on them. It must be remembered that Sir John Adye's action was a part of a system; and it must be remembered that the rule was laid down that economy should prevail. Furthermore, we have not yet heard one single word from either the Front Ministerial Bench or the Front Bench opposite as to what were the orders given to Sir John Adye—the orders with regard to these cutlasses. Anybody knowing anything about military matters, and knowing what is necessary in cases of this kind, must know that if you reduce the strength of the arm by grinding it down, or anything of that kind, you make that arm absolutely inefficient. Therefore, it was for the Secretary of State for War, or the Surveyor General of Ordnance, to have gone most carefully into the system, and to have said that no such conversion should take place. It seems to me that such a course as that would have been in the interest and to the benefit of the service. And therefore I say—and I believe it strongly—that though I may not agree with many things that Sir John Adye has done, yet his services have been most distinguished, and to fix upon him as the one man to be reprimanded and as the one man to deserve the censure of this House so long after the blunder has been committed, and after he has received the thanks of this House for those services, would neither be a wise nor a generous thing. But I think the Committee is justified in marking in some way or other its displeasure at our soldiers in the field and our sailors serving their country all over the world having had placed in their hands totally inefficient weapons. There is not a man sitting on this side of the House, or on the Benches opposite, who will get up and say that these arms have not been issued, both to the Army and Navy, and who will say that the Department of the Service which can have issued such arms does not deserve blame. I, for one, feeling strongly on this matter, would venture to suggest to the Head of the Government in this House, that he should accept a small reduction of this Vote in order to show that the House of Commons is determined that in future there shall be no possibility of such arms being used, either by our soldiers or by our sailors. I agree with the hon. Gentleman the Member for Northampton (Mr. Bradlaugh) that we are here to look after the interests of the men who have no voice in these matters, who are employed all over the world, and who may be subjected to grave dangers if we neglect our duty. In this case the danger to which they were exposed was found out—and found out by accident—in consequence of the daring attacks made on our men by the Arabs in the Soudan. It was found out that the arms with which our men were supplied were inefficient. The discovery was not acted upon—the inefficient arms were not recalled—but now public opinion has expressed itself so strongly that we are not likely to have any recurrence of these things. I venture to appeal to my right hon. Friend the Leader of the House that he should agree to a small reduction of the Vote, so that it may be known that the House of Commons has seen the grave error that has been committed, and is determined to prevent inefficient weapons being served out to our soldiers and sailors in the future.

THE CHAIRMAN: I must point out to the Committee that the Vote before it is for retired pay, and that the reduction moved with regard to that Vote is expressly connected with an alleged failure of duty on the part of a distinguished officer who is receiving retired pay. The reduction will be altogether inappropriate, unless it is connected with the retired pay of some officer whose conduct is in question.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): In answer to the appeal which has been made to me by my hon. Friend, I wish to say that, so far as I am concerned, I should be perfectly ready to accept the reduction of the Vote if it could be moved in the spirit in which the hon. Gentleman has spoken. We desire, in the strongest terms, to make it perfectly clear that it is the duty of the Government, the duty of the Department, and the duty of the officers serving the Department, to see that the weapons that are placed in the hands of our soldiers and sailors are efficient and complete, and are such as should be placed in the hands of men fighting for their country. Therefore, in the circumstances in which we are placed, anything that you, Sir, will permit to be moved that would not be taken as a vindictive act againt an individual officer, but as intended to mark and emphasize the duty of the Department and the Government, would be a Motion which we should be prepared to accept, and accept gladly, from the Committee. We desire, in the strongest terms, to lay it down that it is the duty of the Department and those serving the Department to see that everything which, so far as they are concerned, passes under their observation shall be complete, and fit for the purpose for which it is obtained. But as the Chairman of Committees has observed that the Motion to reduce this particular Vote would fail of the object the hon. Gentleman the Member for Preston (Mr. Hanbury) and the noble Lord the Member for South Paddington (Lord Randolph Churchill) desire to attain, if they can suggest any other way in which to mark the sense of the House and of the Government, we shall be most ready to assent to it.

Lord RANDOLPH CHURCHILL: I have a suggestion to make, though I do not know whether it will be agreeable to the hon. Gentleman the Member for Preston. I have not consulted him with regard to it; in fact, it has only this moment come into my head. I think it may be agreeable to the Committee generally. This has been a debate of an important and an interesting character, and an important feature in the Parliamentary discussion of Army re-organization. We are hampered with technical difficulties. We do not want to deprive Sir John Adye of his pension, nor do we want to violate the rules laid down by the Chairman as to the taking of the Vote; but we want to take some action that will remain on record to show that the House of Commons is sensible of the importance of the issues raised; and, after all, it must be recollected that the hon. Member for Preston, and those who agree with him, have only been following the lead of the Secretary of State for War. What I am going to suggest is, that the Vote should be postponed. There is no further discussion likely to arise on it; and I think that after this discussion, if the Government do not feel inclined to agree to a special reduction of Sir John Adye's pension—and it is not possible to reduce the Vote generally and without assigning a specific reason—they will do well to agree to the postponement of the Vote to some future day, when it will, no doubt, be passed without comment. I do not think the Government need be under the slightest alarm that the postponement would lead to discussion later on. It would be a distinct act on the part of Her Majesty's Government and the Committee, marking their sense of the circumstances which have been referred to in the course of this debate.

Mr. W. H. SMITH: I recognize the spirit of the suggestion of the hon. Member; but this Vote or a smaller Vote is absolutely required for the service of the Army at the present time. I stated the other day that we were obliged to go into Committee of Supply on the Estimates to-day, because our funds were exhausted. The noble Lord will allow me to say that I do not think the postponement of the Vote will effect the object he has in view. The effect will simply be to inform the public that Vote 19 has been postponed. I think it would be a much more effective way to carry out their object if the hon. Member for Preston or the noble Lord would move to reduce by £50 the Vote bearing upon the administration of the Department impugned.

Lord RANDOLPH CHURCHILL: On Vote 12, or Vote 16 for Army Stores?

Mr. W. H. SMITH: Yes. We should be quite prepared to give such an interpretation on a Motion of that kind; but we must press for this Vote for the reason that the Services require it.

Mr. ARTHUR O'CONNOR: I am not surprised to hear that it is necessary that the War Office should be put in funds. I have ascertained that that is necessary by a calculation of the needs of the Department; but I wish, before this question is settled, to ask, as a point of Order, whether it is not possible for the hon. Gentleman to ask leave to withdraw the Motion in order to propose another one for the reduction of the Vote?

The CHAIRMAN: On the point of Order it is a course competent for the hon. Gentleman to ask leave to withdraw his Motion, and for the Committee to consent. But I do not think it would be competent for the hon. Gentleman to move another reduction, without assigning a meaning to it, and that meaning being pertinent to the Vote itself.

Mr. BRADLAUGH: I hope the hon. Member for Preston (Mr. Hanbury) will not entirely withdraw his Amendment on the Paper. I and those sitting round me shall be quite content for the reduction to be as small as the Rules of the House will admit; but we are not amongst those who can consent to the absolute whitewashing of an officer like Sir John

Adye, who has been condemned as being responsible in the matter; and, certainly if, after the discussion which has occurred, the hon. Member for Preston were to consent to entirely withdraw the Motion, I should oppose its withdrawal. I am willing that the Motion should be put at the smallest sum it would be consistent with the dignity of the Committee to adopt.

Mr. HANBURY (Preston): I would withdraw the Motion for the larger reduction which I put upon the Paper, and move the reduction of the Vote by the sum of £50 on the item for Sir John Adye's pension. The meaning of that reduction will be not that the Committee wish to be at all vindictive in its action against Sir John Adye, but that, he having been named by the Secretary of State for War as one of the men responsible for issuing these defective arms, the Committee cannot pass over the matter. It will be distinctly understood, at the same time, that although this is a temporary reduction on his salary, the Committee do not wish to pass its censure on Sir John Adye individually, but upon the Department also.

Motion, by leave, *withdrawn.*

Original Question again proposed.

Motion made, and Question proposed, "That a sum, not exceeding £1,232,450, be granted for the said Service."—(*Mr. Hanbury.*)

Sir GEORGE CAMPBELL (Kirkcaldy, &c.): I understand that this is a Motion to reduce the retired pay of Sir John Adye by £50, and that we shall be thereby passing a censure on Sir John Adye and no one else.

Question put.

The Committee *divided*:—Ayes 132; Noes 145: Majority 13. [10.35 p.m.]

AYES.

Abraham, W. (Glam.)
Acland, A. H. D.
Allison, R. A.
Anderson, C. H.
Asquith, H. H.
Biggar, J. G.
Bolton, T. D.
Bradlaugh, C.
Bridgeman, Col. hon. F. C.
Burt, T.
Cameron, C.
Cameron, J. M.
Carew, J. L.
Chance, P. A.
Channing, F. A.
Churchill, rt. hn. Lord R. H. S.
Clark, Dr. G. B.
Cobb, H. P.
Coghill, D. H.
Connolly, L.
Conway, M.
Conybeare, C. A. V.
Cooke, C. W. R.
Cossham, H.
Cox, J. R.
Cozens-Hardy, H. H.
Craig, J.
Cremer, W. R.
Crilly, D.
Davenport, H. T.
De Lisle, E. J. L. M. P.
Dillon, J.
Dimsdale, Baron R.
Dorington, Sir J. E.
Ebrington, Viscount
Egerton, hon. A. J. F.
Ellis, J. E.
Esmonde, Sir T. H. G.
Esslemont, P.
Evelyn, W. J.
Evershed, S.
Fenwick, C.
Fielden, T.
Finucane, J.
Flower, C.
Flynn, J. C.
Fox, Dr. J. F.
Gaskell, C. G. Milnes-
Gilhooly, J.
Gill, T. P.
Gilliat, J. S.
Goldsworthy, Major-General W. T.
Haldane, R. B.
Harrington, E.
Hayne, C. Seale-
Healy, M.
Heathcote, Capt. J. H. Edwards-
Heneage, right hon. E.
Hill, Colonel E. S.
Howell, G.
Hubbard, E.
Hunter, W. A.
Jennings, L. J.
Joicey, J.
Jordan, J.
Kelly, J. R.
Kenny, C. S.
Kenny, M. J.
Kynoch, G.
Labouchere, H.
Lacaita, C. C.
Lawson, Sir W.
Lewis, T. P.
Macartney, W. G. E.
Mac Neill, J. G. S.
M'Arthur, A.
M'Arthur, W. A.
M'Cartan, M.
Mappin, Sir F. T.
Mason, S.
Molloy, B. C.
Morgan, O. V.
Murphy, W. M.
Nolan, J.
Norris, E. S.
Norton, R.
O'Brien, P.
O'Brien, P. J.
O'Connor, A.
O'Connor, J. (Kerry)
O'Doherty, J. E.
O'Hanlon, T.
O'Kelly, J.
Penton, Captain F. T.
Pickersgill, E. H.
Picton, J. A.
Plowden, Sir W. C.
Power, P. J.
Price, Captain G. E.
Priestley, B.
Pugh, D.
Rathbone, W.
Roberts, J. B.
Robinson, T.
Roe, T.
Rowlands, J.
Rowntree, J.
Russell, T. W.
Samuelson, G. B.
Schwann, C. E.
Sexton, T.
Sheehan, J. D.
Sheehy, D.
Sheil, E.
Shirley, W. S.
Sidebottom, T. H.
Sidebottom, W.
Stewart, H.
Stuart, J.
Sullivan, D.
Sutherland, A.
Swinburne, Sir J.
Tanner, C. K.
Tuite, J.
Vincent, C. E. H.
Wallace, R.
Warmington, C. M.
Will, J. S.
Wilson, C. H.
Winterbotham, A. B.
Woodhead, J.
Wright, C.

TELLERS.

Hanbury, R. W.
Rasch, Major F. C.

NOES.

Acland, C. T. D.
Agg-Gardner, J. T.
Ainslie, W. G.
Aird, J.
Allsopp, hon. P.
Amherst, W. A. T.
Ashmead-Bartlett, E.
Baird, J. G. A.
Balfour, rt. hon. A. J.
Balfour, Sir G.
Banes, Major G. E.
Bartley, G. C. T.
Barttelot, Sir W. B.
Bates, Sir E.
Baumann, A. A.
Beadel, W. J.
Beckett, W.
Bective, Earl of
Bentinck, Lord H. C.
Beresford, Lord C. W. De la Poer
Birkbeck, Sir E.
Blundell, Colonel H. B. H.
Bolton, J. C.
Bond, G. H.
Bonsor, H. C. O.
Boord, T. W.

Brodrick, hon. W. St. J. F.
Brookfield, A. M.
Campbell, Sir G.
Campbell, J. A.
Campbell-Bannerman, right hon. H.
Charrington, S.
Childers, rt. hon. H. C. E.
Clarke, Sir E. G.
Colomb, Capt. J. C. R.
Commerell, Adml. Sir J. E.
Compton, F.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Crawford, D.
Dalrymple, Sir C.
De Cobain, E. S. W.
De Worms, Baron H.
Dixon-Hartland, F. D.
Duff, R. W.
Duncan, Colonel F.
Dyke, right hon. Sir W. H.
Egerton, hon. A. de T.
Ewart, W.
Ferguson R. C. Munro-
Fergusson, right hon. Sir J.
Field, Admiral E.
Fisher, W. H.
Fitzgerald, R. U. P.
Fitz-Wygram, Gen. Sir F. W.
Fletcher, Sir H.
Folkestone, right hon. Viscount
Forwood, A. B.
Fowler, Sir R. N.
Fraser, General C. C.
Gathorne-Hardy, hon. A. E.
Gibson, J. G.
Gorst, Sir J. E.
Goschen, rt. hn. G. J.
Gray, C. W.
Grimston, Viscount
Gurdon, R. T.
Hall, C.
Hambro, Col. C. J. T.
Hamilton, right hon. Lord G. F.
Havelock-Allan, Sir H. M.
Heath, A. R.
Heaton, J. H.
Herbert, hon. S.
Hill, right hon. Lord A. W.
Holland, rt. hon. Sir H. T.
Holloway, G.
Howard, J.
Howard, J. M.
Howorth, H. H.
Hozier, J. H. C.
Hughes, Colonel E.
Hunter, Sir W. G.
Isaacson, F. W.
Jackson, W. L.
Jarvis, A. W.
Jeffreys, A. F.
Johnston, W.
Kennaway, Sir J. H.
Kenyon, hon. G. T.
King-Harman, right hon. Colonel E. R.
Knowles, L.
Lafone, A.
Lawrence, W. F.
Lees, E.
Lefevre, right hon. G. J. S.
Legh, T. W.
Lewisham, right hon. Viscount
Llewellyn, E. H.
Lowther, hon. W.
Lyell, L.
Macdonald, right hon. J. H. A.
Maclean, F. W.
Mallock, R.
Marjoribanks, rt. hon. E.
Marriott, right hon. W. T.
Matthews, rt. hon. H.
Maxwell, Sir H. E.
Morrison, W.
Northcote, hon. H. S.
Parker, C. S.
Parker, hon. F.
Plunket, right hon. D. R.
Raikes, rt. hon. H. C.
Rendel, S.
Ritchie, rt. hon. C. T.
Robertson, J. P. B.
Robertson, W. T.
Robinson, B.
Round, J.
Salt, T.
Sandys, Lieut.-Col. T. M.
Smith, right hon. W. H.
Stanhope, rt. hon. E.
Stanley, E. J.
Stephens, H. C.
Talbot, J. G.
Taylor, F.
Temple, Sir R.
Theobald, J.
Tomlinson, W. E. M.
Trotter, H. J.
Vernon, hon. G. R.
Walsh, hon. A. H. J.
Waring, Colonel T.
Webster, Sir R. E.
Webster, R. G.
Weymouth, Viscount
Wharton, J. L.
White, J. B.
Whitley, E.
Whitmore, C. A.
Wood, N.
Wortley, C. B. Stuart-
Young, C. E. B.

TELLERS.
Douglas, A. Akers-
Walrond, Col. W. H

Original Question again proposed.

MR. HENRY H. FOWLER (Wolverhampton, E.): I cannot allow this Vote to pass without one word of protest. I have no intention of discussing the Vote at length; because, as hon. Members are aware, the whole question of these Estimates is under consideration by a Committee upstairs, which Committee is unable to report this year. But I should like to point out the very rapid growth which the Vote is undergoing in respect of the charge thrown upon the country for the Non-Effective Services of the Army, which, since 1870, has increased by nearly £1,000,000 sterling. It is clear beyond all question that the Vote is increasing at a very rapid rate, and that in one Department of the Army—that is, the Medical Department, the amount is rapidly approaching equality with the Effective Vote. I think the time has arrived when this Committee should make some protest against the enormous cost of our Non-Effective branches in the Army, the Navy, and the Civil Service. The country will the better appreciate the growth of the Non-Effective charges when I say that they necessitate the imposition of an Income Tax of 3*d.* in the pound. I do not object in any way to the legitimately earned pension of the soldier; but I do object to men of 45 years of age being pensioned off. The rules of the Medical Service allow men to be pensioned off at 45 years of age, the pension being £1 per day, and the pensioners are allowed to carry on private practice. I also object to the present system of compulsory retirement of officers at an early age. I object to distinguished officers being deprived of their position and pay on the one side, and costing the country a large amount in half-pay on the other. I hope that the Committee, over which the noble Lord opposite presides with such distinguished ability, will deal with this question; but, at the same time, as a Member of this House, I cannot allow this Vote to pass without expressing a hope that the Secretary of State for War will take this question into consideration, in order to discover some means by which the evil I complain of may be removed.

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE) (Lincolnshire, Horncastle): I agree with and accept fully many of the remarks of the right hon. Gentleman opposite. I am sure that all hon. Members desire that the Non-Effective Vote for the Army should be reduced as much as possible; but everyone knows that it would take a considerable time for an alteration of the rule as to retirement to come into effect. The right hon. Gentleman says that this Vote has increased in 10 years by £1,000,000 sterling. What are the facts? They are that the Vote has increased by £646,000. This is mainly accounted for by the fact that in 1874-5 £582,000 was expended on Army Purchase, and the whole of that charge is now borne by the ordinary Army Vote. We have recently issued a Royal Warrant, the effect of which will be ultimately to reduce the retired pay by £300,000.

MR. HENRY H. FOWLER: There is not £100,000 set down this year in respect of Army Purchase.

MR. E. STANHOPE: I said nothing was paid this year.

MR. HENRY H. FOWLER: The Return I quote from was moved for by the Under Secretary of State for Foreign Affairs, and the entire cost of pensions and retired pay, including the proportion for Army Purchase for 1870, was £560,000, which amount has increased for the year 1886-7 to £1,450,000.

MR. E. STANHOPE: My argument is that the increase has been caused by the abolition of purchase.

COLONEL DUNCAN (Finsbury, Holborn): I hope the Secretary of State for War will give some explanation as to why the provisions of the Royal Warrant of 1878 have not been extended to the Militia quartermasters; and also as to how the calculation is made with regard to compulsory retirement in the case of colonels of the Royal Artillery and Royal Engineers.

DR. TINDAL ROBERTSON (Brighton): With the indulgence of the Committee I will very briefly state the particulars of a case which, I think, will receive kindly consideration at their hands. The case is that of a medical officer of high distinction in Her Majesty's Service; a man recently deprived of sight, I believe by over-work, done in the discharge of his professional duties. I venture to bring forward this case entirely on public grounds. I have never had any personal acquaintance with this officer, but I have this point in common with him, that he suffers from the same infirmity as myself, and that, like myself he is a member of the Medical Profession. I asked the Secretary of State for War some time ago whether this officer, having lost his sight in the discharge of his professional duties, and in consequence of over-work in the discharge of those duties, was not entitled to some allowance in addition to his ordinary pension? I was told that the case of this officer did not come within the Warrant. I venture to think, however, that the right hon. Gentleman's interpretation of the Warrant is somewhat too narrow. I have here a letter from General Lysons, in which he states that Surgeon Major Moore was one of the most deserving officers he had ever known; another letter from the Director General of the Army Medical Department, in which that gentleman commissioned him to write a work on hygiene, and a third letter from His Royal Highness the Commander-in-Chief, in which it is stated that the manual had been done to his entire satisfaction. All these letters prove that this is a deserving and, to use the expression of the right hon. Gentleman, a unique case. If an officer looses an arm or a leg in the discharge of his duties, he is entitled to some additional consideration. But the loss of sight is at least equal to the loss of an arm; because a man who has lost an arm can get some livelihood, whereas if a man looses his sight he cannot get any employment at all. Surgeon Major Moore was appointed as assistant officer of hygiene at Netley; he was a member of the Medical Brigade during the Franco-German War, when he received two medals; he was also in the Ashantee War; was mentioned in the despatches of General Wolseley, and received a medal for his distinguished services. If this gentleman had been employed in the laboratory, and had lost his sight by the explosion of a retort, he would have been entitled to some extra allowance. But the Medical Department has pronounced that the loss of sight is due to the over-work done in the discharge of his duties, and I contend that Surgeon Major Moore has a claim for extra allowance for the loss of his sight. I will not detain the Committee any longer, except to express a hope that this case will not suffer by my feeble advocacy of it, and that I look for the sympathy of the Secretary of State for War in this matter. I think the Committee will agree that this case is very sad, serious, and exceptional, and on that ground I trust I shall receive their sympathy and kindly support.

THE FINANCIAL SECRETARY, WAR DEPARTMENT (Mr. BRODRICK) (Surrey, Guildford): I am quite sure that the Committee have listened with great attention to the remarks which have fallen from my hon. Friend. I can assure the Committee that the case of Surgeon Major Moore is one which is looked at with the utmost sympathy by my right hon. Friend the Secretary of State for War; but the difficulty of the case is very great, and for this reason—if this officer had lost his sight when actually in service in the field, he would undoubtedly have received a wound's pension; but, unfortunately, he was engaged at the request of the Director General in writing a manual, and there seems to be no doubt that he lost his sight through writing by artificial light. Considering that this work was completed in 1885, and that Surgeon Major Moore did not appear to suffer till six months afterwards, it was found that it would be exceedingly difficult to grant a pension in this case without creating a most inconvenient precedent. It should also be remembered that Surgeon Major Moore is one of those officers who have reaped the benefit of the pensions given to officers between 45 and 50 years of age, to which the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler) objects, and the main justification for such high pensions is the risks to their health which Medical Officers undoubtedly run. This unfortunate officer is 45 years of age, and, on retiring, he has become entitled to a pension of £1 a-day. If the Secretary of State for War undertook to relieve this case, it would be almost impossible for him to avoid creating a precedent by which any officer who had, from over-work, lost his sight after a year or two had elapsed, might make a similar claim. Unfortunately, the Warrant does not allow such cases to be entertained, and my right hon. Friend, with every sympathy and every desire to meet the case, has been unable to set up such a precedent. If it were possible by any interpretation of the Warrant to make the allowance which the hon. Gentleman has asked for, I am sure it would be done with the assent of every Member of this House. With regard to the question of the hon. and gallant Member for the Holborn Division of Finsbury (Colonel Duncan), I have to say that it was not intended that the Militia quartermasters should be placed in the same position as Army quartermasters, who are liable to service abroad and other duties. It was felt that it would be a serious charge on the public if the Militia quartermasters were to get £200 a-year as pension. In consequence, although the amount of pension to which they are entitled is the same as in the Line, an extension beyond nine years' service is not allowed. My hon. and gallant Friend has handed me a paper on the subject, which I have not seen before; but I am certain the Committee will not be prepared to say that two classes of men who serve under absolutely different conditions should be made a charge on the public in the same proportion.

MR. MOLLOY (King's Co., Birr): I desire to say a word or two upon the case of Surgeon Major Moore. We have heard complaints made of extravagance on the part of the Military Departments in their dealings with those in high positions. I will not go into details now; but cases of that kind will, no doubt, occur to the minds of many Members. Here is a gallant officer who has lost his eyesight, and the excuse for not doing something for him is that he lost his sight one year after the day he retired from the Service. It is said that if we make this a precedent, every man who lost his sight a few months after he left the Service, owing to something which happened whilst in the Service, will have to have something done for him. I hope he will have to have something done for him. If there is any generosity in this Committee at all, it will do something for men placed in such positions. To talk of men whose health may have been slightly broken, and to compare these men with such men as Surgeon Major Moore, is really playing with the whole subject. A man can recover broken health by rest; but the misfortune which has befallen Surgeon Major Moore is such that rest or science can never remedy. The House is extravagant in the payment which it makes to those distinguished individuals whose names crop up so often, especially in connection with the War Office or the Treasury; but when it comes to the case of a man holding—it may be a very humble position in the Service, but, after all, one of the most useful positions in the Service, as everyone who has served in the Army will admit the position of Surgeon Major is—when we come to consider the case of a man who has suffered a loss which nothing can ever make good, we are met with the argument that to do anything for him would be to set up a most dangerous precedent. Now, this is not a question of economy, but one of common justice. Here is a man who is admitted by your own authorities to have served the country faithfully and honourably, who has suffered this enormous loss owing to the extra diligence he showed in the service of his country. When something is asked for him—a paltry sum, which would not make any difference in the Estimates of this country, and which no one would ever grumble at—the excuse, the paltry and the heart-breaking excuse for not granting something is—that Surgeon Major Moore lost his sight twelve months after he left the Service, and that if we do anything for this man we shall set such a bad precedent that we shall have to make provision for every man who suffers a similar loss. Is it fair to the Service of the country, or to the honour of the country or of this House, that when men have lost so much as this man has lost, the matter should be treated in such a paltry way? I think the Secretary of State for War might very easily get up in his place and tell us that he will at least take this matter into consideration, and if by any possibility, if by straining the law, or even by breaking the law, he can do anything in this matter he will do so. Such is the answer which ought to be given in such a case as this.

MR. E. STANHOPE: I should like to say at once that this is a question to which I have given the most careful consideration. My hon. Friend (Dr. Robertson) stated his case as fully as he could, and I need not say that in so painful a case, and if I could have only had my own way, I should have been delighted to have granted some concession. I resisted the demand solely upon public grounds. I come to the conclusion that if we were to give Surgeon Major Moore special indulgence never in the future should we be able to refuse similar indulgence for a man who lost his eyesight while in the Public Service, even although it was only due in some small measure to his duties in the Public Service. I think the Committee will see that that would lead to considerable expenditure in the future. I was sorry to be obliged to refuse the request made to me. I was not able to satisfy myself that the loss of eyesight by Surgeon Major Moore was in the main due to his duties in the Public Service; and, therefore, I was obliged, though reluctantly, to refuse the application.

SIR EDMUND COMMERELL (Southampton): I hope the authorities will reconsider this case. I think it could be easily discovered by medical men whether Surgeon Major Moore really lost his eyesight in consequence of overwork in the service of the country. If such is the case I cannot see how this application can be refused. If the Warrant does not allow of a grant being made the Warrant ought to be altered so as to allow it. Happily, officers do not often lose their eyesight in the Service; but I think if an officer does so, and particularly an officer of the Civil branch, he ought to receive some consideration at the hands of Members; certainly he ought not to receive less consideration than the man who loses his arm in battle.

CAPTAIN COLOMB (Tower Hamlets, Bow, &c.): Before this Vote passes, I should like to say I am sure the great majority of the Committee entirely sympathize with the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler) in his condemnation of the growth of the Non-Effective Service Vote. I trust we shall count upon his support in taking any reasonable measures for the reduction of the Vote, and that we may also count on his support in condemnation of those who are mainly responsible for originating it. The right hon. Gentleman the Member for South Edinburgh (Mr. Childers) and the right hon. Gentleman the Member for the Bridgeton Division of Glasgow (Sir George Trevelyan), both of whom sit by the side of the right hon. Gentleman (Mr. Henry H. Fowler), are largely responsible for this Vote. It has risen and grown from the system which was laid down by them under the name of Army Reform. We were told that if we got rid of the Queen's Army and made it a people's army it would be much better. We are now paying for it, and we must continue to pay for it. I only rise to point out that on this side of the House, at all events, we feel the growth of the Non-Effective Vote is one of the most serious questions which can engage the attention of this Committee, and I, for one, shall act most cordially with any hon. or right hon. Member of this House in taking such steps as shall reduce this Vote, and make the money go as far as possible in effective service.

MR. CHILDERS (Edinburgh, S.): As the hon. and gallant Gentleman (Captain Colomb) has referred to me personally, I may, perhaps, be allowed to say a word or two. In the first place, I never heard it said that the Army should cease to be the Queen's Army and made a people's Army. What I remember was said was that the Army should cease to be the officers' Army. I hope everyone will wish it should always be the Queen's Army. Now, when I came into Office in 1886, I found that about four-ninths of the officers of the Army, according to the Warrant then in force, would be retired compulsorily at 40 years of age, at an enormous expenditure to the country; and I also found, at the other extreme, a charge of, I think, £150,000 or £160,000 for colonelcies of regiments which were condemned by public opinion. What we had to do was this—whether, under the system which followed the Abolition of Purchase, it would be possible to abolish the system by which officers retired at 40 years of age, and to abolish the colonelcies of regiments, and to substitute for these two most objectionable charges a system under which officers would be retired at a higher age. With the assistance of my right hon. Friend the Member for the Stirling Burghs (Mr. Campbell-Bannerman) and others in the War Office, I matured a plan which saved the country prospectively £700,000 a-year. I am quite willing to admit that, although we did save £700,000 a-year, it is possible to secure further economy. We shall have to consider in the Committee over which the noble Lord the Member for South Paddington (Lord Randolph Churchill) presides, when we come to the Non-Effective Vote, whether a better system of retirement may not be introduced. My belief is that a better system can be found; but I want the hon. and gallant Gentleman (Captain Colomb) to clearly understand that the economy worked out in 1881 saved the country £700,000 a-year.

CAPTAIN COLOMB: Was not that saving effected upon the original scheme brought in by the Government of which the right hon. Gentleman was a Member in 1870 or 1871?

MR. CHILDERS: No; the scheme was founded on the Report of Lord Penzance's Committee in 1876.

MR. E. STANHOPE: I forgot to reply to the question put to me by my hon. and gallant Friend (Colonel Duncan). The fact is, I am afraid I am not in a position to answer his question satisfactorily. My hon. and gallant Friend asks me as to the compulsory retirement of colonels of the Royal Artillery as compared with the Royal Engineers. If the hon. and gallant Gentleman will repeat his question at a later period of the Session, I hope I shall be in a position to give him a satisfactory answer. Now, I hope I may be allowed to make an appeal to the Committee. We have been discussing this Vote now for a considerable time, and therefore I trust the Committee will allow us to come to a decision.

MR. ARTHUR O'CONNOR: Allow me to ask one simple question. I should like to know whether the rule which has been applied in the case of Surgeon Major Moore will be applied in the case of the highest officers in the Public Service—in every branch of the Public Service? If so, I, personally, shall have nothing further to say.

MR. E. STANHOPE: As far as I am concerned, the same rule will be applied to every man in the Service.

MR. ARTHUR O'CONNOR: Then I hope the right hon. Gentleman will give me his support when, at a further sitting of this Committee, I move the reduction of the salary of Lord Lingen from the exaggerated and unlawful figure at which it has been placed. I find that, without the least ground, the authorities have given him the advantage of two years' service he did not have.

MR. WINTERBOTHAM (Gloucestershire, Cirencester): I should not like this Vote to pass without adding a word in favour of the reconsideration of the case of Surgeon Major Moore. Surgeon Major Moore has lost his eyesight in the service of the country, and yet, in consequence of some State Regulations, on retirement he is to be treated worse than a man who loses an arm or a leg. I am quite certain that when the country once understands the matter, it will demand that the Regulations shall be altered. I reminded the House some time ago of the case of a poor fellow named Westbury. This man joined the Army, and in an accident at a sham fight at Aldershot not only lost one eye, but his reason. He was sent to the Army Lunatic Asylum, was quickly transferred to the County Lunatic Asylum, and there he is to this day utterly disabled. Not one farthing do the Regulations of the Army allow this poor fellow to be paid; but his father, an agricultural labourer, has to pay 1*s.* a-week out of his scanty earnings for the support of his son. I have the kindest letter from the War Office, saying that this is a very sad and painful case, but that they are unable, in consequence of the Regulations, to make any grant. I think that the sooner we alter such Regulations the better. I know nothing of the merits of the case of Surgeon Major Moore; but I think there ought to be some discretion left with the Secretary of State for War to enable him to deal with such exceptional cases. Certainly, when an officer or a private who has honestly served his country loses his eyesight in the service of his country, he ought to receive some exceptionally favourable treatment.

MR. E. STANHOPE: If the hon. Gentleman (Mr. Winterbotham) will put the case of Westbury in writing, I have no doubt that the War Office will take it into most earnest consideration. I cannot think that if the circumstances really are as the hon. Gentleman has stated, something will not be done.

GENERAL FRASER (Lambeth, N.): Let me read an extract from the letter of a very eminent oculist upon the case of Surgeon Major Moore. It is here stated—

> "Surgeon Major Sandford Moore lost his sight in and by the Service about 18 months ago."

I venture to claim the sympathy of every Member of this House for Surgeon Major Moore.

DR. CLARK (Caithness): I am very dissatisfied with the reply of the right hon. Gentleman in regard to this case. I think that Secretaries of State, who are not specialists, ought to be guided by the Medical Department. A Secretary of State cannot be expected to know everything, and he ought to refer all these matters to the Medical Department. If he were to refer this case to the Medical Department, I have no doubt whatever he would be satisfied that this is a case requiring his consideration, and the granting of a pension.

DR. TANNER (Cork Co., Mid): I should like to know whether the right hon. Gentleman has any medical evidence to show how this officer really lost his sight? It was a great gratification to me to hear the extract from the letter of a specialist, just read by the hon. and gallant Gentleman (General Fraser). Such an opinion ought certainly to have an effect upon the Members of the Treasury Bench. There is, however, another consideration besides that of justice being done to Surgeon Major Moore personally. We have an Army Medical Department, and I assert that if you really mean to keep the Department effective, for the benefit of the nation, you must pay attention to cases like this. A medical officer is a non-combatant officer, and one of the few things he can lose, in the exercise of his profession, on account of dealing with noxious medicines, is his sight; and medical men will look with interest to the treatment of this particular case. The country, too, will ask themselves whether this is not a case in which something ought not to be done. The responsible Minister of State has expressed his sympathy with this gallant officer; but we want something more than sympathy, and if the right hon. Gentleman wants the medical branch of the Service to continue effective, he ought not to throw this chance away. In times of war we require an effective Medical Service, but if medical officers are to be treated in this cruel way, the result will be that medical gentlemen will refuse to join the Service. In the name of these men, who are certainly an essential and important branch of the Public Service, I ask the right hon. Gentleman to give us some assurance that this case, which has been so ably brought under our notice by the hon. Gentleman the Member for Brighton (Dr. Robertson) will receive reconsideration.

Original Question put, and *agreed to.*

(2.) £59,800, Divine Service.

LORD RANDOLPH CHURCHILL (Paddington, S.): I do not think that this Vote ought to be allowed to pass without remark. I have no desire to go into the question at length; but I wish to express the opinion very strongly that of all the Votes which the Committee upstairs examined, no one shows itself more susceptible of revision and reduction than the present. I will not at this hour (11.30 p.m.) detain the Committee with any lengthened observations. All I want to get is an assurance from the Secretary of State that the evidence given before the Committee has produced an effect upon his mind, and that the Vote will be revised by him in the course of the year, with a view to considerable reduction. You have, in connection with this Vote, a great number of men on this Establishment entitled to pension. I think the number is much larger than the necessities of the case require. The chief amongst the officers dealt with by the Vote which could well be abolished is that of Chaplain General, and I think we might well substitute officiating clergymen paid by capitation rates in place of the chaplains who are now on the Establishment and entitled to pension.

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE) (Lincolnshire, Horncastle): I am quite ready to say that I heard, with great interest, the evidence given before the Committee upon this Vote. It is as well, however, to remember that, as yet, we have not heard what those who are practically concerned have to say in regard to the Vote. I agree with the noble Lord that it is desirable to have as few clergymen on the Establishment as possible, and I am quite ready to assent to the view that, wherever it is possible, it is better to pay them according to the service they render, or, in other words, upon capitation rates. At the same time, the Committee must not run away with the idea that that can easily be done universally. Wherever you have a large number of soldiers belonging to the Church of England, or to any other denomination, you cannot always get a Civil clergyman to undertake the duty, and it is thought that it is better in this case to have a clergyman upon the Establishment. This is a question, however, upon which I desire to express no opinion now. I will look into it very carefully during the Recess, and I certainly will be most ready to make whatever reduction is possible. With regard to the office of Chaplain General I think the noble Lord is rather hasty, and I beg of him to suspend his judgment as to the abolition of the office until he hears all the evidence which can be given upon the subject.

MR. HENRY H. FOWLER (Wolverhampton, E.): I should be happy to accept the challenge of the Secretary of State, and go through the evidence that has been given on this subject before the Committee is asked to come to a Division. I would ask attention to the objectionable mode of framing these Estimates, of which this Vote is a scandalous and flagrant example. Those who have read the Reports which have appeared in the Press of the examination of the noble Lord on this Vote will remember that he said it took him three-quarters of an hour to find out what was the entire cost of Divine Service in the Army. The Committee is asked to vote £59,800, and an ingenuous person would believe that that was the cost of Divine Service in the Army. But that is not so. It is but an item of the entire cost of the Department in the Estimates. It will be found that in addition to this Vote expenditure under the same head is provided for in nine other Votes. What I would ask is that the right hon. Gentleman the Secretary of State for War will not wait for the Report of any Committee on this matter, but will see that the Estimates are framed in such a way that the House of Commons may ascertain at once the entire cost of the Department. I ask the right hon. Gentleman to undertake that next year each Estimate of each Department of the Army shall show what the entire cost of that Department is.

MR. E. STANHOPE: I shall be very glad indeed to undertake that at the end of each Vote there shall be a note setting forth the total cost of the particular Vote. Probably by such a system of cross entry the object the right hon. Gentleman has in view may be accomplished, and it is very probable that under the present system the Committee fails thoroughly to realize the cost of each Department.

DR. TANNER (Cork Co., Mid): I wish to say a word—and I wish to be as brief as I possibly can—about a case that occurs in the City of Cork. There is a very large garrison in that city, and it is necessary to have three or four chaplains. In answer to a Question I put this evening, I was given to understand that there are, practically speaking, four, or even five, Army chaplains in the City of Cork. The description of these chaplains differs according to the regiments which happen to come in. At one time you may have a Protestant regiment, and at another time a Roman Catholic regiment, or, as happens at the present time, you may have a Presbyterian regiment in garrison there. Well, Sir, the Roman Catholic chaplains receive capitation pay—so much per head —and the Catholic and Presbyterian clergymen are placed at a great disadvantage as compared with the clergymen of the Established Church of England. In the case of the Established Church—not of Ireland, but of England —you have a regular Army chaplain receiving regular pay. At present, one half of the Cork garrison consists of a Highland regiment, and it has one chaplain, whilst there are two Protestant chaplains; one a regular Army chaplain, drawing £420 a-year, and the other an assistant chaplain, who is sent there to do nothing at all, and draws for doing it £120 a-year. One of these is to assist the other. In a place like the City of Cork you have a number of officials attached to the various regiments in the permanent service of the barracks, and in a Catholic city like Cork the major portion of these officials are always likely to be Catholics. These people, as well as the Catholic soldiers, are taken charge of by the Catholic chaplain, who has to go up a high hill to attend to them whenever his services are required, and besides this work he has his parochial duties to attend to in the city. Thus he is not able to give the whole of his time and services and ministry to the soldiers who are on the top of the hill, whose spiritual welfare he is supposed to look after for the £80 a-year which he receives. The feeling in Cork is that the Catholic chaplain is not fairly treated, and is not put on the same footing as the other chaplains. I do not wish to speak at any length, as this is only a small matter, but I wish to put the case as clearly as I possibly can, and to ask the Committee and the right hon. Gentleman the Secretary of of State for War to give it favourable consideration.

MR. E. STANHOPE: I have looked into this question, and the facts of the case are simply these. The Roman Catholics in this garrison number only 120, and would not justify the permanent employment of a Roman Catholic chaplain.

DR. TANNER: There are a number of Roman Catholics there permanently.

MR. E. STANHOPE: I do not know as to that, but the fact is as I state, that there are only 120 Roman Catholics in the garrison at this moment. We do not regard these matters from a denominational point of view, but simply from the point of view of the number of men of either religion in the garrison. If there were a sufficient number of Roman Catholics in the garrison to warrant the exclusive services of a Roman Catholic chaplain, a Roman Catholic chaplain would certainly be employed.

DR. TANNER: Why have you a second Protestant chaplain?

MR. E. STANHOPE: I have looked into that matter also, and I find that they have ample work to do.

Vote *agreed to.*

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £36,000, be granted to Her Majesty, to defray the Charge for the administration of Military Law, which will come in course of payment during the year ending on the 31st day of March 1888."

MR. LABOUCHERE (Northampton): I have an Amendment to this Vote on the Paper.

LORD RANDOLPH CHURCHILL (Paddington, S.): I desire to speak upon the whole Vote.

MR. LABOUCHERE: Then I will give place to the noble Lord.

LORD RANDOLPH CHURCHILL: I think it would be convenient for the Committee to regard the whole Vote before the reduction of any particular item is moved. I contend that this Vote is a particularly monstrous one—we shall find as we proceed with the consideration of these Votes that each one becomes more monstrous and less susceptible of any defence. This Vote which purports to provide for the administration of martial law in the Army at a cost of £36,000 does not do anything of the kind, for the administration of Military Law in the Army is provided for under other Votes. Charges in connection with this administration of Military Law occur under Vote 9. A considerable sum is taken for these purposes. You have items amounting to £9,000 for the firing, lighting, and so on of military prisons; and then you have items for the transport of your witnesses to and from courts martial. All these items appear under Votes 9 and 3. Then you must turn again to Vote 13, which deals with building and repairs, and you will there find that a large sum is taken for the building and repairs of prisons. Vote 3, which you are now asked to take, is entirely misleading, for it does not show the total amount for the administration of Military Law nor anything like it. But if you come to look at the total Vote itself, you find there a whole heap of subjects which it is very interesting to raise discussion upon. I will not go into these matters, as the hon. Member for Northampton (Mr. Labouchere) intends to initiate a discussion upon some of them. There is, for instance, the great question of the salary paid to the Judge Advocate General. I will not go into that, because, no doubt, the hon. Member for Northampton has carefully got up a case on that subject; but I would just observe that I consider the Office of Judge Advocate General a perfectly useless Office. It ought to be treated as, after a very long struggle, you treated the Office of Lord Privy Seal. The whole of this Vote is capable of reduction, and a question which the right hon. Gentleman the Secretary of State for War ought to look into very carefully is the question of the Vote for military prisons. A large number of these prisons have been taken over by the War Department in consequence of the changes in the law, which were rather forced upon the Secretary of State for War for the time being by the House of Commons. The House forced upon him the separate confinement of soldiers, requiring that at no time should soldiers be confined in the same prisons with civilians.

Mr. ARTHUR O NNOR: When confined for military nces?

Lord RANDOLPH CHURCHILL: Yes, for military offences, and the consequence of that has been that though there may have been a great deal in the views of the House of Commons on the matter, the supply of accommodation has largely outpaced the demand, and there is a large amount of accommodation in the prisons which is not used, and a great many warders and deputy warders and other officials have been appointed who have very quiet and easy times of it, having very little to do and receiving good pay. This is a subject upon which I should be very glad to know the views of the Secretary of State. Has he considered this subject—is it one of those matters upon which he thinks economy may be effected? What I have to point out to the right hon. Gentleman the Secretary of State is, that if he is bent upon economy—which I very much doubt—this Vote, I do assure him, affords him ample scope, and he ought between now and next Session thoroughly review the whole question of military prisons with the view of bringing about a great reduction in their number and in the cost of their *employés.* He ought, I think, by next year to be able to bring before the House of Commons a complete scheme for the thorough reform of military prisons. I would point out that no reform can be effected which is not accompanied by a large reduction in the number of the officials.

The SECRETARY of STATE for WAR (Mr. E. Stanhope) (Lincolnshire, Horncastle): The noble Lord does me an injustice when he says I am not desirous of reducing the cost of this Vote. I think it essential to do so. The noble Lord has called my attention to several points in regard to the Vote, and I should first like to say that I shall be very glad to give a complete estimate showing the total cost of the administration of Military Law under any Vote that may be taken. With regard to military prisons, my noble Friend is quite right in stating that a large amount of expenditure, so far as I am able to learn, has been forced upon the Department by the action of the House of Commons. I do not think hon. Gentlemen below the Gangway have been altogether free from blame in this matter. They pressed upon the Government the necessity of establishing a system of separate military imprisonment, and that system having been adopted the establishments which it has been found necessary to keep up have proved very costly establishments. I do not know whether it is possible to reduce them, but if I find that it is I shall be very glad to do so. *Primâ facie,* I should say that it will be a very difficult thing to reduce them; but that, however, is a matter which will have to be further considered. This is amongst the matters that I shall have to look into, but I have not had time yet to deal with it thoroughly. I will undertake to do so during the Recess, and will do my utmost to bring about reductions wherever it is possible.

Mr. ARTHUR O'CONNOR: I do not know to whom the right hon. Gentleman alluded when he said that those sitting on this side of the House were probably as responsible as anybody else for the extravagant Vote in connection with the administration of Military Law in the Army. It is true that hon. Members on this side did support the proposals that were made to separate military prisoners imprisoned for purely military offences from men imprisoned for serious crimes; but we did not, in supporting that principle, contemplate any unnecessary extension of prison accommodation.

Colonel BRIDGEMAN (Bolton): I would like to ask the right hon. Gentleman the Secretary of State for War whether his attention has been called to the question of fraudulent enlistment which adds very much to the cost of this Vote. It would be very easy to diminish that fraudulent enlistment. It is suggested that a small mark should be put upon every officer and every man on entering Her Majesty's Service. If that plan were carried out, it would at once put a stop to this system. The hon. Member for Devonport (Mr. Puleston) asked if there was no return of the number of men claiming Her Majesty's gracious pardon in this jubilee year, and the reply he received was that no Returns had yet been made out. I am able to give the House the Returns affecting one regiment—that is to say, the Scots Guards, in which I have the honour myself to hold a commission. In that regiment there were 44 men who had deserted. There were 16 men who sought pardon for fraudulent enlistment, having previously enlisted in other regiments, and there were 16 who claimed pardon for deserting from the Scots Guards and enlisting elsewhere. Those are large numbers as affecting one regiment, and if other regiments have anything like the same figures to show the matter is a serious one indeed. All this crime, I contend, might be prevented by the adoption of the system of marking the men as suggested by the hon. and gallant Member for South-East Essex (Major Rasch). Now, there is one case of fraudulent enlistment within our experience which I would like to mention. In the month of April a man came to the Recruiting Depôt at St. George's Barracks and enlisted in a regiment in Ireland. He had a soldierly appearance, and he was consequently submitted to a searching examination—his appearance rendered those before whom he presented himself suspicious. On him was found a ticket for left luggage at the South Eastern Railway office. It turned out that he had a bag there, and in that bag was found a uniform of the Army Medical Ambulance Corps, marked with two good conduct stripes. It was subsequently ascertained that this man had come up to London from his corps with a 14 days pass. He had friends in Dublin, and having some plain clothes he put them on, leaving the uniform at the left luggage office, and he intended to go over to Ireland at the expense of the Government, and at the end of 14 days he intended to come back again, so that this man would have twice deserted and twice fraudulently enlisted. That is the state of things which would be put an end to by the simple method to which I have referred, and I hope the right hon. Gentleman the Secretary of State will take it into his serious consideration.

Mr. E. STANHOPE: I may say at once, in reply to the hon. and gallant Gentleman, that we have especially under our consideration at the present moment this question of fraudulent enlistment. It has been brought especially under our notice on account of the Queen's Jubilee pardon. That pardon enabled us to get more information on this subject than we have ever before been able to collect. It has given us, so far as it has gone, one bit of very useful information—it has shown us the exceedingly small number of Reserves who have fraudulently enlisted.

Mr. BRADLAUGH (Northampton): I only desire to make one remark with reference to what has fallen from the hon. and gallant Member who has just sat down (Colonel Bridgeman). I wish to say that however officers may view the question of a "small mark" being put upon them—I will not speak for them—but I must say that if the feeling of the rank and file is anything like what it was some years ago, to carry out this plan would be to increase the difficulties of enlistment so much that you might just as well disband your Army altogether.

COLONEL NOLAN (Galway, N.): I do not think the right hon. Gentleman the Secretary of State for War would be likely to adopt any plan of marking the men in the Army without considerable debate in the House of Commons. I, for one, should give it the strongest opposition in my power. But I would point out that nothing could be more ridiculous in connection with desertion and other military offences — nothing could be more absurd and wasteful than the system at present pursued of either sending witnesses from one place to another, or sending an escort to fetch the prisoner. If a man in Belfast says he has deserted in Plymouth you either send witnesses over to Plymouth or you send an escort to Belfast to bring the man to Plymouth. The best plan would be to pass a short Act of Parliament to enable the affidavits of witnesses to be read in a court martial in cases where a prisoner has confessed to desertion. The whole difficulty springs from the difference between the military and civil law. In the civil law if a man pleads guilty there is very little evidence required by the Court; but under the military law, in spite of the fact that a man has pleaded guilty, it is necessary to go into the whole question. This is a serious matter, which the right hon. Gentleman the Secretary of State for War should consider during the Recess.

MR. E. STANHOPE: I certainly will consider the matter during the Recess; but I must say I think the hon. and gallant Gentleman is in error in thinking that there is a difference in the practice of the military and civil law. However, I think there may be other means of bringing home the guilt of the deserter than those at present adopted. It may be possible to deal with the matter more successfully by extending the power of the warrant officers, or in some other way. I am glad my attention has been directed to the matter, and I will undertake to go into it.

MR. LABOUCHERE (Northampton): The right hon. Gentleman the Secretary of State for War said just now that he would consider whether it was not possible to reduce this Vote. Well, Sir, I have considered this matter, and I am happy to say that I have come to the conclusion that it is possible at once to reduce the Vote. Hon. Gentlemen on the other side of the House are men of an independent state of mind at present, because of the action with regard to these matters taken by the noble Lord the Member for South Paddington, which has proved so useful. We have had the evidence and the Report of a Committee of Inquiry, so far as it has gone up to the present, put into our hands. Now, Sir, my attention has been very powerfully called by these documents to the evidence in regard to the Judge Advocate General's salary, and in regard to his entire Office. It appears to be admitted on all hands that the Judge Advocate General and his Office help each other to do absolutely nothing. The Committee will see that the charge for the Judge Advocate General and for his Office is £4,800 per annum; but it would appear from the evidence that has been submitted to the Committee that, in point of fact, the whole work of the Office is done by two gentlemen who receive £250 per annum each, and that this Office of Judge Advocate General is simply kept up to look after those gentlemen. If the Committee will look at the evidence of Mr. R. H. Knox, C.B., they will see that he does not attempt to defend the Office or the position of the Judge Advocate General. He throws the defence entirely upon the House of Commons. He says that it is a Constitutional question; that it is absolutely necessary that there should be a Parliamentary Judge Advocate General; and, that being so—if the War Office has thrown the matter upon us entirely—it becomes our duty to put an end to this wasteful expenditure. There were two or three questions put by the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler) to this witness, Mr. Knox. In Question 725 the right hon. Gentleman asked—

> "Then, as to the Judge Advocate General, you used two or three times the term 'Parliamentary Officer;' are the Committee to understand that his retention has been justified upon the ground of the representation of the Department in Parliament?—I cannot say that I am familiar with the details of the question of the maintenance of the Office of Judge Advocate General; but it is, I understand, regarded as a Constitutional matter, and as being desirable that he should have a seat in Parliament."

Then the right hon. Gentleman goes on to ask—

> "726. I believe the War Office has a larger total amount of representation in the House of Commons than any other Office, the Secretary of State, the Parliamentary Secretary, the Surveyor General of Ordnance, the Financial Secretary, and the Judge Advocate General?—Yes."
>
> "727. If you dismiss from your mind all the Parliamentary considerations, and look simply at the amount of work this official does, do you think the amount of work done there is equivalent to the expenditure of £5,000 a-year?—I am not sufficiently acquainted with the work to be able to give an opinion; but it seems a small staff to have two officers at £2,000 and £1,000 a-year at the head of it."
>
> "728. Will you look at Sub-head B., 'Expenses of Courts Martial; pay to Army Judge Advocates.'—Those are the men, I suppose, who do the work?—Those are the gentlemen who act at the trial, but these are the gentlemen who overlook all the decisions at courts martial and submit them to the Queen."
>
> "729. But the actual work of courts martial is done by those two gentlemen for £250 a-year?—Yes."
>
> "730. So that it costs £5,000 a-year to superintend what it cost £250 a-year to do?—To go through all the findings."

The noble Lord the Member for South Paddington asked the witness—

> "686. Are you aware that for similar work done for the Admiralty, with regard to courts martial in the Navy, the payments by the Admiralty do not exceed £300 a-year?—I am aware that the Admiralty charge in connection with the Judge Advocate's work is very small."

I think it is perfectly conclusive. I should think all the Members of the Committee sitting upstairs, without exception, will agree that this Office of Judge Advocate General is absolutely useless. We have heard Mr. Knox admit that the Office is perfectly useless, and throwing it upon the House of Commons to defend it; and the House of Commons, it seems to me, must be exceedingly anxious that there should be a Judge Advocate General when it is prepared to spend £5,000 a-year—not only to pay the Judge Advocate General himself £2,000 a-year, but to give him £2,800 worth of clerks in order to do nothing but sit here. It may be said, and in some cases it has been said, that a Minister like the Chancellor of the Duchy of Lancaster has little to do for his money, but renders valuable assistance to the Government as a Cabinet Minister. Well, the right hon. and learned Judge Advocate General is not a Cabinet Minister, and it therefore cannot be contended that he does anything in the Cabinet. Sometimes it happens that the Chancellor of the Duchy of Lancaster, although not in the Cabinet, renders valuable assistance to the Government by the speeches he makes on the Front Bench opposite. Well, I am sure we should like to hear the right hon. and learned Judge Advocate General make speeches from that Bench, but I do not remember his ever having done so. Then, he is not paid for Cabinet work, and he is not paid for making speeches here, or for performing any departmental functions of any importance. I know that the right hon. Gentleman goes about the country and makes speeches which are more valuable in a Party sense than in a general sense. Under these circumstances, it would seem desirable that we should put an end at once to this Vote. We are not prepared to give the Judge Advocate General the sum of £2,800 per annum for clerks, when we have it before us that the Office is perfectly useless, when we know that this is an absolute waste of money, and that the sole reason for paying it is that Mr. Knox and others in the War Office believed that the House of Commons was so anxious that there should be a Judge Advocate General in this House, that it was prepared to pay £4,200 a-year for the luxury. I am, therefore, prepared to move the reduction of the Vote. It may be said, on behalf of the Government—"Well, some day, we will look into it." I do not believe in those "some days." What we ought to do is to carry the reduction of the Vote. We know perfectly well how these Votes are dealt with, and it is necessary to pursue a definite course in regard to them. We have often had appeals made to us *ad misericordiam.* If the Secretary for War (Mr. E. Stanhope) will give us an absolute assurance, not that he will consider this matter, but that he will henceforward manage to carry on his Office without a Judge Advocate General, and that we shall never again have to consider a Vote for a Judge Advocate General or his clerks, we need not divide now; but, unless the right hon. Gentleman is willing to give that assurance, we ought to divide. I do hope that Gentleman opposite will look upon this as a practical matter, and I move the reduction of the Vote by £2,000.

Motion made, and Question proposed, "That a sum, not exceeding £34,000, be granted for the said Service."—(*Mr. Labouchere.*)

The JUDGE ADVOCATE GENERAL (Mr. Marriott) (Brighton): Mr. Courtney, I am very glad that the only personal complaint made against myself is that I have made no speech from this Bench this year. I am sorry to say that it is not possible to make such a complaint against the hon. Gentleman who has just spoken, and I am not at all certain that the money of this House would not be well spent in paying certain Gentlemen not to speak. But, Sir, putting aside the personal matter, which I shall take no further notice of, I think that the subject which the hon. Member has brought before the House is one well worthy of consideration. A Committee has been appointed by this House, and is presided over by the noble Lord the Member for South Paddington (Lord Randolph Churchill), for inquiring not only into the position of the Judge Advocate General, and into the question of whether his pay is more than sufficient, or whether his Office is needed, but into the question of the whole administration of the Army and Navy, and, I believe eventually, of the Civil Service. I can only say for myself, that if any economy can be brought about in these matters, no personal feeling of mine with regard to the Office of Judge Advocate General, or any other Office, will prevent me doing everthing in my power to forward the object which the noble Lord the Member for South Paddington has in view. I would point out to the Committee that the Vote of this year is less than that of last year. Last year it amounted to £5,600, whilst this year it is only £4,800, and that reduction is entirely due to the present Government being in power. When I was in Office this year, an appointment of £700 a-year came into my hands. I was asked to give away that appointment. I had no less than 70 or 80 applications for it, all from Colonels in the Army, and many reasons were urged upon me in favour of filling it up. I declined to fill up the office. I admit that this is a small matter; but the result of my action was to reduce the expenses of the Lord Advocate General's Office from £5,610 to £4,800. I only mention the matter to show that not by words only, but by actions, we show our desire to reduce the expenditure of this Office to the very lowest sum. As to the general question whether we ought to have a Judge Advocate General at all, I may point out that that opens out a very large field indeed, and that the evidence at present before the House is very inadequate. There have been several inquiries into the matter. In 1860 there was an inquiry under Lord Palmerston into the administration of the Army. The Committee which conducted that investigation very fully considered the question of the continuance of the Office of Judge Advocate General, and they came to the conclusion that the Office ought not to be abolished. Again, only two years ago, when the late Government were in Office, the question was brought before this House. I do not see in his place the right hon. and learned Gentleman the Member for East Denbighshre (Mr. Osborne Morgan), who then held the Office; but he made a speech on the subject, explaining the work which had to be performed by the Judge Advocate General, the effect it had in the country, and the duties attaching to it, and this House unanimously agreed to continue the Office. Of course, the House has a perfect right to change its opinion, and, if it does, I shall be quite ready to concur in the decision which is arrives at. But there are several things which it would be well to consider before the House comes to any hasty conclusion. The noble Lord the Member for South Paddington said, a short time ago, that he considered the Office to be perfectly useless. The noble Lord is always very decided in the opinion he expresses, although those opinions may sometimes change; and I confess that, upon the evidence at present before him, that appears to be a hastily formed opinion. I, myself, offered, on two occasions, to go before the Committee over which the noble Lord presides, in order to give evidence on the subject; but the noble Lord, in the spirit of chaff with which we are all familiar, said—"Oh, no, we do not want you, who know nothing about the matter. We want the permanent officials." Well, a permanent official, Mr. O'Dowd, the Deputy Judge Advocate General, gave evidence, and his evidence is misleading. I feel certain that that evidence, although it is misleading, was given unwillingly. Mr. O'Dowd was examined by the right hon. Gentleman the Member for Wolverhampton (Mr. Henry H. Fowler), and he said that for two years and a-half there was no Judge Advocate General—no political officer. He was asked—"How did you get on, then?" And he replied—"I believe we got on pretty well." Now, that is an absolutely misleading statement. There was a Judge Advocate General at that time. The fact was, that on the death of Mr. Davidson, no political Judge Advocate General was appointed, but a gentleman who was a Privy Councillor and the Judge of the Admiralty Court—Sir Robert Phillimore—was appointed. I have here the faculty under which the appointment was made. Sir Robert Phillimore received a salary of £500 a-year, and he acted for the whole two and a-half years. The Office therefore was not vacant. There was no political officer in this House, but there was a Privy Councillor who acted as Judge Advocate General for the whole of the time, and who was paid a salary. At the end of two years and a-half the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) and his Cabinet determined that they must again appoint a Judge Advocate General, and I think it was Mr. Ayrton who was then appointed. Then comes the point, on what principle the Judge Advocate General is appointed at all? It is this—that a civilian should stand between the soldiers and the military powers. The Office was created in the year 1642, and the date speaks a good deal for the spirit in which the appointment was made at that time. The object was to protect the common soldier against the arbitrariness of the military powers, and I believe that now there is nothing that the soldier values more than this—that when he is tried by court martial, the court martial is supervised not by a military officer, but by a civilian and a lawyer, who will see that justice is done. I know that in many cases great injustice would be done to the soldier if there was not a civilian to see that the trial is carried out according to the law, and, what is far worse, that too heavy a sentence is not passed. Although the Judge Advocate General cannot himself remit a single sentence, he has the power of saying that a sentence is too harsh; and I can speak of hundreds of cases, in my own experience, where the sentences have been minimized through the action of the Judge Advocate General. I quite admit that other arrangements could be made, and that the Secretary for War might be made responsible to the House in these matters. But if he were, he would want a lawyer to advise him, and a lawyer of some experience and of some practice. It would not do to have an inefficient lawyer. You must have an efficient lawyer, and I do not think you would get a very efficient lawyer for less than £2,000 a-year. [*Opposition cries of* "Oh!"] Well, I would appeal to the hon. Member for Northampton (Mr. Labouchere), who has had great experience of lawyers, and who, whenever he has a case in Court, pays them very liberally. He knows what cheap law is, and therefore he never thinks of resorting to it. I do not think my right hon. Friend the Secretary for War (Mr. E. Stanhope), who is in his place, would, upon his own responsibility, upset the judgment of a court martial, and therefore a legal adviser would be absolutely essential. If there is one Office which the private soldier ought to look to and does look to with gratitude, it is that of the Judge Advocate General. No doubt, he might equally look to the Secretary for War, and I candidly confess that the officers of the Judge Advocate General's Department might do more work than they do now. They, however, do all they have to do, and they would gladly carry out any arrangement that could be made for giving full employment to them. The meaning of the Amendment before the Committee is the abolition of the Office of Judge Advocate General; but I say that, so far, we have no evidence before us to show that the abolition of that Office would not result in very serious injury to the soldiers of the British Army. Mr. O'Dowd was asked in how many cases the Judge Advocate General was referred to, and he said that not more than 100 cases out of an average of about 7,000 a-year were referred to him. Well, the work varies. You have two or three days with nothing to do, and then several cases come in all at once. To appoint a man who is not a lawyer would be very inconvenient. The work performed in the Office is, I am convinced, for the benefit of the

Army, and the question is a much broader one than that of a mere matter of £2,000 a-year. I shall be very happy to give any information I can to any Member who desires it.

LORD RANDOLPH CHURCHILL: I must enter my protest, Mr. Courtney, against the way in which the right hon. and learned Gentleman the Judge Advocate General has dragged into a debate in this House a joking conversation which passed between him and me in the Lobby. I cannot conceive anything more detrimental to the House of Commons than that the informal conversations which pass between Members of both Parties in the Lobby should be dragged into debates here. The right hon. and learned Gentleman knows perfectly well that if he had wished to come before the Committee to give evidence, the Committee would have been most willing to hear him. It was the right hon. and learned Gentleman's own wish that if the Committee desired to have any evidence on the subject, Mr. O'Dowd, the Deputy Judge Advocate General, should be called, he having been in the Office for a great many years. He was called at a particular time, in order to enable him to get away for his holidays, and the fact of his being called was entirely due to the right hon. and learned Gentleman himself, and was certainly not intended as any disrespect to him. It is, I think, to be regretted that the right hon. and learned Gentleman has discredited the evidence of Mr. O'Dowd. The right hon. and learned Gentleman says it is a misstatement to say that for two and a-half years the Office was without a Judge Advocate General, and that Sir Robert Phillimore was Judge Advocate General during that period. But, even if it was a misstatement, we have it on record that for two and a-half years the duties of Judge Advocate General were performed for £500 a-year. [Mr. MARRIOTT: He had £4,000 a-year, as well.] Well, if he had £4,000 a-year as well, it shows that a man who had other duties to perform could do the work of Judge Advocate General as well. I have no doubt that he did absolutely nothing. The right hon. and learned Gentleman says Mr. O'Dowd stated that on an average out of 7,000 cases dealt with by the Deputy Judge Advocate General, not more than about 100 cases a-year were referred to the Judge Advocate General. Now, Sir, this really raises a very serious question. No one in the House wishes to inflict the smallest injury or indignity on the right hon. and learned Gentleman the Judge Advocate General. What we have to consider, however, is this. Are we justified, in the present day, in appointing highly-paid officers for whom there is really no work? That is the point which the Committee ought to consider. I do not think it would be at all right or proper to agree to a reduction of this Vote to-night; but I think that, in view of the evidence not only of Mr. Knox, but of Mr. O'Dowd also, we have a right to call on the Secretary of State for War (Mr. E. Stanhope) to give a very distinct guarantee that he will devote his immediate attention to the whole question of this Office. The right hon. and learned Gentleman the Judge Advocate General declares, as far as I can make out, that the Army is kept from mutiny by the feeling that there is a great civilian lawyer who will look after the courts martial, and who will intervene in any case of injustice. But what will the Army say when it learns that the great civilian lawyer only investigates 100 cases out of 7,000? I think that, under those circumstances, the comfort and solace which the soldiers derive from the Office of Judge Advocate General will be much diminished. And I cannot think that the joy of the soldiers in the knowledge that such an officer exists warrants us in paying him £2,000 a-year. No doubt, it is right that there should be a civil element between the military authorities and the soldiers. But there is a Deputy Judge Advocate General, with a salary of £1,000 a-year, and another Deputy with £700 a-year. The fact is that the Deputy Judge Advocate General does all the work. The right hon. and learned Gentleman (Mr. Marriott) took great credit to himself for having abolished the office of one of the Deputies. It seems to me like the story of the Russian woman in the sledge with her family pursued by wolves. When the wolves got near, over went one of the children. So here, over goes a Deputy Judge Advocate General. But what we want is, not the Deputies but the Judge Advocate General himself. I cannot think that the Committee is justified in throwing away £2,000 a-year on an officer who practically has no work to do. I have no feeling against the right hon. and learned Gentleman, who has certainly rendered great services to his Party in every way. I speak not with any feeling of disrespect to him, but simply on the broad ground that we have no right, as Representatives of the taxpayers, to vote £2,000 for an Office which practically has no work attached to it. I hope the Secretary of State for War will give a solemn assurance to the Committee that this Office is one which will receive his careful attention, and that next year he will make proposals to the Committee which will bring the Office into exact accordance with the requirements.

MR. CHILDERS (Edinburgh, S.): Mr. Courtney, I desire to support to the best of my power what has fallen from the noble Lord the Member for South Paddington (Lord Randolph Churchill). Of course, during the present year, it would not be possible to cut off the Vote, and therefore the right hon. and learned Gentleman the Judge Advocate General (Mr. Marriott) will understand that this is no personal matter. Of this I am quite sure, that there is no good reason why there should be in the Office the staff which now exists; and that the business of the Office—that is to say, the dealing with some 7,000 courts martial a-year—could be perfectly well carried out by the two officials who now act under the Judge Advocate General. There is no such Office in connection with the Navy. There is, nominally, a Naval Judge Advocate General, who, if I am not mistaken, receives a fee of something like £50 a-year. But the Crown has assigned to the Board of Admiralty certain functions in connection with the Navy, and amongst them is that of dealing with courts martial. The Board of Admiralty approves or qualifies the judgments of naval courts martial itself, and although in extreme cases they obtain the assistance of the so-called Judge Advocate General of the Navy, they need not take his advice, and they themselves confirm or disallow the decisions of courts martial. The only reason for the existence of the Judge Advocate General of the Army is that he formally exercises those functions which in the Navy have been handed over to the Board of Admiralty. There is no more reason why those functions should not be vested in the Secretary of State than there is why they should be taken away from the Board of Admiralty. It is, of course, necessary that the business of military courts martial should be submitted to the Queen by a Privy Councillor; but there is no reason whatever constitutionally why it should not be submitted to the Queen by the Secretary of State. Of course, it is necessary that there should be in the War Office such an officer as Mr. O'Dowd, as the number of military courts martial is very large. I would urge upon the Secretary of State for War (Mr. E. Stanhope) that before the end of the year he should consider whether the change I have suggested could not be perfectly well carried out—that is to say, that just as the Board of Admiralty deals with courts martial in the Navy, the Secretary of State for War should do the same with regard to courts martial in the Army. I cannot ask the right hon. Gentleman to give a definite reply to-night; but I do ask him to say that he will consider the suggestion, and I hope that next year we shall be able to have a great economy in these Votes.

MR. BRADLAUGH (Northampton): I have to state that I intend to vote with my Colleague (Mr. Labouchere) for the reduction proposed in his Amendment, but on only one ground. Having had some experience of courts martial, I am not altogether able to corroborate what has fallen from the right hon. and learned Gentleman the Judge Advocate General (Mr. Marriott), because I think that the bulk of the courts martial held in this country never come before him at all. I allude to the regimental courts martial, which are very numerous, which inflict very serious punishments indeed, and I think the answer given by the right hon. and learned Gentleman the Judge Advocate General—although I do not say it was intentionally so, but was owing to a want of knowledge on his part—was very misleading. I was very glad to hear of the amount of love and sympathy and affection towards those who hold the Office the right hon. and learned Gentleman now fills which is entertained by the rank and file of the British Army, and all I can say on that point is, that if such feelings do exist at the present moment they must be of very modern growth, for I never heard anything of all this in my own time, nor have I been informed of its existence by those who have sent communications to me. But what I have risen to suggest is this—namely, that what has to be done in the Department of the Judge Advocate General can very well be done by one legal gentleman; but, at any rate, there cannot be wanted more than, say, a Deputy Judge Advocate General and one clerk, and the idea that all the rest of the establishment now maintained are necessary is absolute nonsense.

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE) (Lincolnshire, Horncastle): I must point out to the Committee that there is a considerable distinction to be drawn between the case of the Army and the case of the Navy. The right hon. Gentleman the Member for South Edinburgh (Mr. Childers) has not stated to the Committee what is the actual state of the facts. The facts are really these—that there are only 200 courts martial in the case of the Navy, while in the case of the Army the number of courts martial is stated at 9,000 during the year. It should be remembered that, in addition to his other duties, the Judge Advocate General is legal adviser to the Secretary of State, who is entitled to call on that official for his legal opinion on any point that may be submitted.

MR. CHILDERS: I wish to say, in regard to that matter, that finding when I came to the War Office that his business in connection with courts martial was not large, I proposed to my right hon. Friend the then Judge Advocate General to add to the statutory duties of his Office the task of advising me on legal questions in which I might require his opinion.

MR. E. STANHOPE: I may add, with regard to my right hon. and learned Friend the Judge Advocate General, that he is always kind enough to consider any legal point I may submit to him. I only call the attention of the Committee to these facts, in order to show that the work done by the Judge Advocate General cannot be properly understood unless all these matters are taken into consideration. We have been asked to consider whether the establishment in connection with the Office of the Judge Advocate General is not larger than is necessary. But in considering this question, I suppose we should, in the first place, take into consideration whether we require such an officer at all, and if we come to the conclusion that we do, then, in the next place, it will be for us to consider whether the establishment which is now maintained is not too large. That is not a matter which I can consider and decide upon to-night; it is rather one for consideration in conjunction with my Colleagues. I will, however, undertake that the question shall be brought before my Colleagues before the Estimates for next year are prepared, and they will then have an opportunity of considering whether the Vote for this Office should be retained. I may point out to the right hon. Gentleman the Member for South Edinburgh (Mr. Childers) that the Liberal Party have been in Office during the last 50 years for a far longer period than the Party which occupies the Benches on this side of the House, and they have, consequently, had ample opportunities of abolishing the Office of Judge Advocate General had they all along held the views they seem at the present moment to entertain. Therefore, it is rather hard upon us in this, as in many other instances that might be cited, that they should call upon us to insist on reducing an expenditure which they have so long maintained.

MR. LABOUCHERE: I should like to say, on the part of hon. Members below the Gangway, that they pay exceedingly little attention to all this "pot and kettle" business. In our opinion, there is not the slightest reason why the Office of Judge Advocate General should be retained because there was a Liberal Judge Advocate General in Office before him. But I cannot help asking the Committee this question—For what reason do eminent Gentlemen who have occupied, and who do now occupy, seats on the Treasury Bench think the Estimates are submitted to Parliament? What they say is in effect this—"I do agree to a certain extent, but not entirely, with what has been said about the retention of the Office; but I really cannot vote with the hon. Gentleman who has moved the Amendment, because I could not think of sweeping away at one blow the salary of a public official, or of voting at once the abolition of a particular Office." But why, I ask, are the Estimates submitted to the House of Commons? We have the Votes prepared by the Government submitted to us, and we are asked to say whether we will grant the money asked for or not. We have it as a fact before us that the noble Lord the Member for South Paddington (Lord Randolph Churchill), the right hon. Gentleman the Member for South Edinburgh (Mr. Childers), and the Committee appointed by this House to inquire into these matters, are all of opinion that the Judge Advocate General does practically nothing in the shape of an equivalent to the emolument he receives, and yet we are told that we ought to vote the salary for this Office, and that we ought to hope against hope that the right hon. Gentleman the Secretary of State for War (Mr. E. Stanhope) will not present the same Vote in the Estimates of next year. All I have to say on that point is, that I am quite willing to withdraw my Amendment if the right hon. Gentleman will pledge himself not to re-submit this Vote next year. But the right hon. Gentleman will offer no such pledge. All he has stated is that he will bring the matter before his Colleagues, not that he will consider and decide upon it himself. I submit to the Committee, is it at all probable that next year the Vote for the Office of Judge Advocate General will not appear in the Estimates? For my part, I am quite certain that it will appear in next year's Estimates. I think I shall be able to show the House that, notwithstanding the statement of the right hon. Gentleman the Secretary for War that the Judge Advocate General has to look into an enormous number of courts martial every year, and also to give him advice on legal questions, even Her Majesty's Government themselves are of opinion that that official has exceptionally little to do, for they allow him to practise at the Bar. Previous to his appointment, all Judge Advocates General have not been allowed to continue their practice at the Bar; but when the right hon. and learned Gentleman (Mr. Marriott) took the Office he took it on the understanding that he was to be allowed to practise, and the right hon. and learned Gentleman does practise at the Bar. I would ask is there one other Gentleman occupying a position on the Treasury Bench and in receipt of a salary of £2,000 a-year who, being a lawyer, is allowed to practise at the Bar, with the exception, of course, of the Attorney General and the Solicitor General? The Judge Advocate General is not supposed to be allowed to practise at the Bar. When a Liberal Judge Advocate General has been in Office he has not been allowed so to practise; and the present Government have admitted, as a matter of fact, that the Judge Advocate General has nothing to do by allowing that officer to practise at the Bar. The right hon. and learned Gentleman (Mr. Marriott) is an able advocate, and would probably earn more if he had not to look after these 9,000 or 10,000 courts martial and to give legal advice to the Secretary for War. Therefore, by carrying my Amendment, the Committee will not only be doing good to the right hon. and learned Gentleman the Judge Advocate General, by enabling him to extend his practice, but they will also be conferring a benefit upon the taxpayers.

MR. MARRIOTT: The hon. Gentleman the Member for Northampton (Mr. Labouchere) is entirely mistaken in speaking of my case as an exceptional one. One of my Predecessors (Mr. Stuart-Wortley) was Recorder of London, and afterwards Solicitor General; and I believe the last holder of the Office also practised at the Bar. I quite admit that several Judge Advocates General never practised at the English Bar; but during the period the Liberal Lord Chancellor — Lord Hatherley — was in Office the Judge Advocate General practised at the Bar. I myself should not have accepted the Office if I had been called on to give up the practice of my Profession at the Bar, and I do not think that such practice interferes with the performance of the duties of the Judge Advocate General's Office.

MAJOR-GENERAL GOLDSWORTHY (Hammersmith): I believe that, necessary as the Office of Judge Advocate General may be in the existing state of things, the present condition of the Military Law is not satisfactory. There are too many courts martial, and I believe that if the Colonels of regiments and other commanding officers had greater powers given to them than they now possess, we should in all probability be able to do away with the Office of Judge Advocate General. I do not desire unnecessarily to take up the time of the Committee; but having had the opportunity of seeing what has been done by successive Judge Advocates

General, I may be allowed to say that their action has always, from a legal point of view, as well as from a merciful point of view, met with general approval. I trust therefore that until the right hon. Gentleman the Secretary for War has been enabled to communicate with the Military Authorities, and arrange with them for some revision of the Military Law, the Office of Judge Advocate General will not be done away with.

Mr. HENRY H. FOWLER (Wolverhampton, E.): I very much regret that this question should be allowed to decline into a personal squabble as to the position of the right hon. and learned Gentleman opposite (Mr. Marriott) and the terms on which he accepted his Office. I think that we may dismiss from our consideration of this Vote any question affecting the personal tenure of the Office of Judge Advocate General by the right hon. and learned Gentleman, who I am well assured has discharged his duties to the best of his ability, and in a manner highly satisfactory to the public; but I cannot agree with the hon. Gentleman the Member for Northampton (Mr. Labouchere) that the Committee to whom the House has referred the questions brought forward by the noble Lord the Member for South Paddington (Lord Randolph Churchill) had made up its mind in regard to this matter. That Committee has come to no resolution whatever upon the subject. In fact, it has only heard two witnesses, and to-night that Committee is placed in the unpleasant position of having heard it stated by the head of the Judge Advocate General's Department that the evidence given by the representative of the Department is inaccurate. In justice to both of those Gentlemen I think the Committee ought to call the right hon. and learned Gentleman the Judge Advocate General in order to ascertain what are the facts of the case. I would put it to this Committee whether, the House having referred this question to the Select Committee, and that Committee not having reported, it would be business-like or proper for the House at once to come to a decision upon the merits of the case? I may have an opinion which may incline in a certain direction, as evidently that of the noble Lord the Member for South Paddington does; but I repeat, that until the Select Committee has reported the question ought to be left open, and this Committee ought not to be called upon to come to a final judgment upon it. For my own part, I do not attach much value to the promise made by the right hon. Gentleman the Secretary for War to consider the matter before the Estimates of next year are brought forward. I think the right hon. Gentleman would do well to wait until the Select Committee has been enabled to arrive at a decision upon the subject. There is, however, one point to which I desire to call attention, and which is totally irrespective of the amount of work done in the Office of the Judge Advocate General, and the arguments as to which would apply even if the Office were undermanned, instead of being, as some think it is, overmanned. The objection I am about to take is a Constitutional objection Mr. Knox puts it that the Office is continued on Constitutional grounds. The question I raised before the Select Committee was the over-representation of the War Office in this House. We have the Secretary of State for War, the Financial Secretary, the Surveyor General of Ordnance and the Judge Advocate General, all four of these being highly-paid officials representing one great spending Department; and even if the Judge Advocate General be retained, I think the Office he holds is one that ought to be made incompatible with the retention of a seat in this House. This is a matter on which I certainly shall have something to say, both in the Select Committee and here in this House, when the question comes to be raised; but, at the present moment, I should advise the hon. Member for Northampton (Mr. Labouchere) not to press his Amendment to a Division, seeing that it is still *sub judice* and that the Select Committee have not yet presented their Report to the House.

Mr. LABOUCHERE: I have only to say that I should have proposed my Amendment if there had been no Select Committee at all. I do not think it necessary to wait for the Report of the Committee, because, as we have already seen, the Chairman of the Committee has already made up his mind that whatever may happen it is useless to retain the Office; and we have also the statement of the Judge Advocate General, who has not succeeded in convincing me that the Office ought to be retained. On the contrary, I think it only involves a waste of money, and that we ought therefore to do away with it. I intend to persevere with my Amendment.

LORD RANDOLPH CHURCHILL: I do not think the hon. Gentleman the Member for Northampton (Mr. Labouchere) will be serving the purpose of economy by pressing his Amendment to a Division on the present occasion. If he persists in that course, the result will be that he will elicit a strongly-marked expression of opinion on the part of the Committee in favour of the retention of the Office of Judge Advocate General, which will not represent the genuine opinion of the House of Commons on this subject, and which will therefore be misleading to the country. Therefore if the hon. Gentleman is really desirous of serving the interests of economy, he will do well to withdraw his Amendment.

MR. LABOUCHERE: My sole reply to the noble Lord is that which I have already uttered.

Question put.

The Committee *divided*:—Ayes 92; Noes 164: Majority 72.—(Div. List, No. 352.) [12.45 A.M.]

Original Question put, and *agreed to*.

(4.) Motion made and Question proposed,

"That a sum, not exceeding £324,000, be granted to Her Majesty, to defray the Charge for Medical Establishments and Services, which will come in course of payment during the year ending on the 31st day of March 1888."

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE) (Lincolnshire, Horncastle): With the permission of the Committee, I will offer a brief explanation of this Vote. The Committee will see that there is a decrease on the amount asked for by the previous Government of £9,000. The evidence put before the Committee who are investigating this subject shows that the actual amount of the Vote for the Medical Services is spread over a good many Votes. The effective Medical Service of the Army shows a total of £528,000, and that of the non-effective force £176,000, making a total of £704,000. This is, undoubtedly, a large amount, and we have had a good deal of evidence on the subject before the Committee upstairs. But at present the case is one that is eminently *sub judice*, and we shall have to look into the matter very closely, and I trust Her Majesty's Government may be able through the deliberations of the Select Committee to make some deduction of the Vote in future.

DR. CLARK (Caithness): There is a very important question arising out of this Vote. There was evidence given before the Committee upstairs as to what Mr. Knox called a strike among the medical officers. Now, Sir, I say that that is a phrase which ought not to have been used. It is to be hoped Mr. Knox understands accounts better than he understands the English language. I am afraid what occurred in 1879 before the last Warrant was issued will now occur again. That was not a strike, because a strike means stopping work. All that occurred was that for two years no candidate would go forward to be examined; and it was only after the new Warrant was issued that you got candidates in plenty. Perhaps the word "Boycott" would be more appropriate than the word strike to express the kind of thing which occurred between the War Office and the Army Medical Department, and I am sorry to say that there is every likelihood of it occurring again. If it were a question of money I, for one, would not support the Medical Profession. I should rather support that view, which is growing so much in the country, against these continual increases in the Estimates, which I think ought to be reduced. But it is not a question of money. I think something may be done by which medical men should remain longer in the Service, and that we should not be required to spend so much on men who are retired. But the point I wish to draw attention to is this. Up to very lately, and, in fact, until a couple of years ago, the various civil Departments of the Army had equality of rank with the combatant officers. Equality of rank has now been abolished entirely, so far as the Medical Department is concerned. In the Commissariat Deparment and other Departments you have honorary rank; but in the Medical Department there is neither honorary rank, substantive rank, or relative rank. When you abolished relative rank in the other Civil Departments by honorary rank, the same thing ought to have been done as far as the Medical Profession is concerned. I do not wish to press this question now; but what I would ask the Secretary of State to do is this—either appoint a satisfactory Departmental Committee or a Committee of this House to consider the whole question. Otherwise you will have what you had in 1879. You have now got all the Medical Profession against you; and what will happen will be that you will gradually get a smaller number of candidates and a worst class of medical men for the Army. This is a matter of very special importance, and one which is felt very much by the Medical Profession. Because, how are they placed at the present time? They are in charge of the Medical Department, and, in that capacity, have non-commissioned officers serving under them who have honorary rank, and others who have substantive rank, whilst they themselves have no rank at all. The officers of the Department who are on the retired list have sent a strong Memorial to the Profession to take the matter up. The feeling is very strong throughout the Profession, and the only way to have the matter properly considered is to appoint a Departmental Committee, or better still a Committee of this House. Otherwise you will find that you have very seriously affected the question of recruiting for the Medical Department of the Army, besides causing great dissatisfaction amongst those who are already in the Service.

Dr. TANNER (Cork Co., Mid): Considering the lateness of the hour, I desire to make my remarks, on the present occasion, as brief as possible; but I sincerely hope that when the Report stage of this Vote is reached I shall be able to address the House at greater length. This is a very important branch of the Army Estimates, and is regarded by the Profession to which I have the honour to belong with very deep interest indeed. I do not think I could possibly deal, in the way I should like, with all the great questions affecting the Medical Department at this late hour, and I will, therefore, content myself with calling attention to two or three of the more crying grievances of which the officers belonging to the Army Medical Service very justly complain. There are some points connected with Netley School on which I could speak at considerable length, and to which, sooner or later, the attention of the House will have to be given. But I merely mention that *en passant*. When a young surgeon desires to enter the Army Medical Department he has to go through certain examinations, in order to get into the School or Hospital at Netley. He spends a certain time there; and what happens? In all the other branches of the Service, when a man passes an examination, and becomes a member of a certain body, from that moment he belongs to that body, he draws his pay, and his appointment dates from that time; but that is not at all the case with the doctor. He goes to Netley; he stays there the required time; he passes his examinations; and his appointment dates from some time subsequently to that pass. Now, that is a very great grievance, and one that has been referred to over and over again in this House. It has not been met; and I will not repeat to the Treasury Bench, or even to the right hon. Gentleman (Mr. E. Stanhope), who represents the Department for which we are asked to vote this money, but I will repeat to the House what has been said so often before, that if you want to have soldiers you must look after those soldiers. They are expected to go into every part of the world, to endure every sort of climate, and you cannot look after them properly unless you get really good medical men—surgeons—to do the work. Well now, you are going to commence again the old process of trying to snub the medical men, of trying to cut them down. You must bear in mind that any medical man at home can make a great deal more money than you offer these gentlemen in the Army; that in connection with any civil branch of the Profession he is likely to do better than by joining the Army Medical Department. You will not get a class of men who will bring credit on the Profession to which they belong, or who will take care of the soldiers whom they are appointed to look after, unless you give them what they are entitled to, and what they can, as I have said, obtain by the exercise of their Profession at home. I do hope, therefore, for the sake of the Service, that the Secretary of State will look into this matter. In my younger days, when I first went to college in Ireland, I saw the Army Medical Department practically Boycotted. In one of the colleges of the Queen's University in Ireland I saw notices put up for the benefit of the students, telling them not to enter the Army Medical Department. I tell you that if you pursue the same course now you will be Boycotted again. Of course, there are times of depression all over the world; and it certainly is a time of depression in Ireland now very bitter and very grievous. You will get candidates, no doubt; but they will not be the men you really desire to obtain; and if you do not pay attention to all these very grave complaints which are made on behalf of the Army Medical Department you will see that branch of the Service going to the dogs, and you will have inflicted a very deep and grave injury upon the Army generally. I am not going to talk about these young men—the way they are shunted about from pillar to post, without getting any chance of continuing the practice of their Profession. These men are a sort of twopenny postboys. They are sent, along with a cargo of men, one way and then the other, here to-day and gone to-morrow. They never get what is really their due, as members of an important branch of the Service—a fixed and definite post and position. Again, I should like the House to look for a moment to the position of the men of the Army Medical Department when they go to India. I have alluded to this matter before. There is a considerable mortality amongst these young men, who, practically speaking, are sent away and have to live in India on less than they are able to draw at home. This is not the case with any other branch of the Service. I shall be prepared to place figures before the House at a future stage, so as to convince hon. Members that what I say is true. I really want, in as few words as possible, to ask, at the hands of the right hon. Gentleman who represents the Army, that he will give us his promise to look into these complaints which have been made from all sides of the House. There are many Gentlemen who sit on the Tory Benches who have also raised their voices in favour of the Profession to which I allude; and I sincerely hope that the right hon. Gentleman will give us, at any rate, a ready ear, and that he will also give us the consideration that the gravity of our case demands. In doing so he will be performing an act which is at once gracious, and will redound to the benefit not only of the Government to which he belongs, but of the Army Medical Department.

SIR W. GUYER HUNTER (Hackney, Central): I will not detain the House more than a very few moments at this late hour of the evening. I should, in the first place, like to call the attention of the Committee to the great disadvantage which the Army Medical Department labours under, as compared with the combatant officers. The combatant officers have facilities given them when they are about to go through their examinations for promotion as regards leave and pay. On the other hand, the officers of the Army Medical Department, when they have to undergo examinations for promotion, have to get their leave when they can, and go to any medical school which they can obtain access to at their own expense. If it be necessary that combatant officers should have facilities for obtaining their education to fit them for promotion, surely, on the other hand, it is only right and fair that officers of the Army Medical Department should have facilities granted to them for obtaining instruction when they wished go through their examinations for promotion. I trust the right hon. Gentleman (Mr. E. Stanhope) will take this matter into his serious consideration. I should also like to call the attention of the Committee to the fact the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) distinctly promised the hon. and gallant Member for the Holborn Division of Finsbury (Colonel Duncan), that this matter should receive his consideration as far back as last Session. Another point to which I should like to call attention is the case of brigade surgeons. A short time ago, a Warrant was issued which made a grade between senior surgeon majors and the deputy surgeon general, granting an eventual increase of rank, and also increase of pay. These officers, on going to India, lose their pay. It does seem very hard indeed, when an officer goes to a foreign country, and to a climate very inimical to his health that he should have his pay cut off. In India the grade exists, but no pay goes with it. It would appear to me to be——

THE CHAIRMAN: Order, order! The question of the remuneration of the Service in India cannot come before this Committee, as the money is not voted by this Committee.

Sir W. GUYER HUNTER: I see the India Establishment is referred to in the Vote.

The CHAIRMAN: They are mentioned, but no money is taken for them.

Dr. TANNER: I rise to a point of Order, Sir, in connection with this Vote for the Army Medical Department. Is it not a fact that officers of this Department go to India, and do they not receive their pay from this country? They do, Sir, and not only that, but they pay Income-Tax for receiving it in India.

The CHAIRMAN: Sir W. Guyer Hunter.

Sir W. GUYER HUNTER: I obey your ruling, Sir, of course. I presume I shall be able to refer to this case when the Indian Vote comes on.

The CHAIRMAN: Certainly.

Sir W. GUYER HUNTER: I have nothing to add to what I have said. I merely trust the right hon. Gentleman (Mr. E. Stanhope) will take these matters into his serious consideration.

The FINANCIAL SECRETARY, WAR DEPARTMENT (Mr. Brodrick) (Surrey, Guildford): With regard to the question of my hon. Friend the Member for Central Hackney (Sir W. Guyer Hunter) I presume that he would desire that some instruction should be given at the hospital at Netley?

Sir W. GUYER HUNTER: No, Sir. I refer to the instruction that every medical officer must get necessarily when he is about to go up for examination for promotion. The Netley School is for those who first enter the Service, where they undergo a course of technical instruction and medical training.

Mr. BRODRICK: The question was raised last year, and one or two hon. Members suggested whether it might not be in the power of medical officers to go to Netley for instruction at different stages of their career. My recollection is that my right hon. Friend (Mr. W. H. Smith) undertook to consider whether an opportunity could not be found of sending the officers to Netley in batches, but, hitherto, that opportunity has not occurred. The matter, however, is being considered with a view of saving expense, both to the public and the Medical Service. The question of the hon. Member for Mid Cork (Dr. Tanner) had reference, I presume, to the four months interval after the candidates have passed at Netley. It will be recollected that a few days ago a question was put to my right hon. Friend the Secretary of State (Mr. E. Stanhope) on this subject, and my right hon. Friend admitted that in the Indian Service and at the Admiralty it is customary for the pay to begin as soon as the examination is passed. I am afraid I cannot hold out any hopes to the hon. Gentleman (Dr. Tanner) that we shall be able to make any alteration of that character at the War Office. [Dr. Tanner: Why not?] We do not take the same view of it that the hon. Member does. On the contrary, we have reason to believe that the amendments which have been made since the Warrant of 1879 have given us for medical officers a good class of candidates, and we certainly have had no difficulty as yet, and we do not think it necessary to improve the terms. I cannot help thinking that if the hon. Member (Dr. Tanner) will peruse what has taken place upstairs, he will see that, as regards pay and the status of the Service, there would be strong opposition to a change in that direction.

Dr. TANNER: I am very sorry to detain the Committee at this late hour of the evening; but I have received a most unsatisfactory reply from the Minister responsible for this Department. As we cannot get a proper answer at the present time, and as I hope that a night's reflection on the part of the hon. Member who is in charge of this Vote may induce him to reconsider his determination, I beg to move that you report Progress.

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(*Dr. Tanner.*)

Mr. E. STANHOPE: I hope the Committee will not agree to the Motion to report Progress. I think the hon. Member (Dr. Tanner) must see that we are just in the middle of this discussion, and it would be a most lamentable waste of time if it were put off to another day.

DR. TANNER: I simply asked that a certain amount of consideration should be bestowed on the claims of these medical men, and the hon. Member the Financial Secretary to the War Office (Mr. Brodrick) got up in his place and said they were able to get medical men in plenty, and would still be able to do so. I tried, in a plain way, to explain what I saw when I first entered college. I saw the Army Medical Department Boycotted; and let anybody deny it who can. [MR. E. STANHOPE: That was in 1879.] Yes; you could not get men at that time; and if you want to have the same state of things to-morrow, you are going the right way towards it. It is no business of mine, except as an individual Member of this House; but I really think the subject deserves more consideration than it has received at the hands of the Financial Secretary.

MR. HENRY H. FOWLER (Wolverhampton, E.): The whole of this question of the Army Medical Department is undergoing the most serious consideration of the Committee upstairs. It is a subject which has occupied, perhaps, more of our time than anything else, except it be that of the Woolwich Vote. I beg to make the same appeal as I did on the last Vote. The Committee will no doubt make a full Report as to the remuneration and education of these officers, and also with reference to this question of Boycotting or strike. I would ask the hon. Member (Dr. Tanner) to withdraw his Motion; at the same time, I would put it to the right hon. Gentleman the Secretary of State that he should not proceed with another Vote to-night.

MR. E. STANHOPE: Of course, if the right hon. Gentleman (Mr. Henry H. Fowler) presses it, I will not ask the Committee to take any further Votes to-night; but there were one or two which I was in hopes would not give rise to any serious discussion. But, of course, if they are opposed, I will not go on with them.

DR. TANNER: If the right hon. Gentleman (Mr. Henry H. Fowler) asks me not to proceed with my Motion, I will not do so. But, at the same time, I would certainly ask the hon. Gentleman opposite the Financial Secretary, and other hon. and right hon. Gentlemen, when they get up to answer questions to give an answer. I merely asked for consideration to be given to the complaints of men who belong to the same Profession as I do, and I did hope that I should have been met in a spirit of fairness and justice. Of course, I withdraw my Motion.

Motion, by leave, *withdrawn.*

Original Question again proposed.

SIR W. GUYER HUNTER: I rise merely to refer to a misapprehension which the hon. Gentleman (Mr. Brodrick) seems to be labouring under with reference to a remark I made just now. He said he would do what he possibly could to save the country any expense, as well as the Medical Service. I beg to observe that the public have sustained no expense in regard to the examinations for promotion. All the expense is borne by the medical officers, and nothing whatever by the public.

MR. BRODRICK: What I meant to say is, that in whatever is done, we shall endeavour, so far as we can, to consult the interests of the Medical Service without expense to the public.

DR. CLARK (Caithness): I should like to recur to a point I mentioned earlier, and as to which I have received no assurance from the Government. This is not a financial but a Constitutional matter. There is a very strong feeling among the medical officers of the Army that you should give them some kind of rank. The right hon. Gentleman (Mr. E. Stanhope) has not personally brought about this change, because I believe that the abolition of this relative rank was effected before he became Secretary for War. After it was abolished, they said these terms were meaningless, and meant nothing in civil life. The medical officers have, therefore, been put in a very painful position; and what I suggest is that a Departmental Committee, or a Select Committee of this House, should be appointed, so as to get the opinion of present and retired Medical Officers. All that I ask for is an inquiry as to the wishes of the Department.

MR. E. STANHOPE: I am perfectly willing to give a Departmental Committee to ascertain the wishes of the profession. I have already received a deputation, as the Committee is, no doubt, aware; and I did my very best then to understand the point of the grievances of the Medical Officers who were present. I am afraid I very imperfectly apprehended the point; but I did my best, and I made some recommendations to the Deputation that I had hoped would have been satisfactory. I am entirely willing to consider, in conjunction with the Inspector General of the Medical Department, whether we can devise any means of further inquiry for ascertaining the wishes of the Profession.

Dr. TANNER: Will the right hon. Gentleman the Secretary of State take the sense of the Service generally on these points? That would tend greatly to smooth away all the difficulties.

Mr. E. STANHOPE: I have stated that I am prepared to do so. I shall be glad to ascertain the feelings of the Medical Profession.

Dr. TANNER: I mean the members belonging to the Service, not to the Profession.

Mr. E. STANHOPE: Oh! of the Service?

Dr. TANNER: Yes; of the Service.

Original Question put, and *agreed to.*

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £571,500, be granted to Her Majesty, to defray the Charge for the Pay and Allowances of a Force of Militia, not exceeding 136,280, including 30,000 Militia Reserve, which will come in course of payment during the year ending on the 31st day of March 1888."

Dr. TANNER: Really, Sir!——

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I can see what the hon. Gentleman is going to do. I hope the Committee will allow this Vote to be taken. The hon. Gentleman is aware that this is a Vote on which there is no question of principle. I am sure that it is the general feeling of the Committee that it is desirable to get on with the Business. I hope the House will consent to take this Vote.

Dr. TANNER: I really think this is a very important Vote, and ought not to be hurried through at the last moment. I will just give the right hon. Gentleman the Secretary of State for War one instance—an instance which I put on the Paper only yesterday, in connection with the Waterford Militia. Now, the Waterford Militia goes out for preliminary training in Easter week, which preliminary training really means the training of the recruits. Well, Sir, what happens? Eighteen non-commissioned officers, and about 20 or 30 other dependents thereon, and about seven or eight officers, all go to Waterford and take possession of the barracks, and for what? For the purpose of training eight recruits. Well, Sir, if that is not a lamentable waste of public money, I do not know what is. We could really multiply these instances again and again. These matters ought to be looked into; and at the present time, when the public are beginning to demand where their money goes to, I really think that instead of passing these large sums of money at a late hour, we ought to try and look into these items. I know the right hon. Gentleman gets up and says in a very dulcet manner, "Let us have this Vote;" but, as a man of business, in connection with any other business in which he is concerned, he would not allow money to pass away in this easy manner without inquiry into the items. I have only given one instance, but I could multiply them by the hundred, if you like. As the hour is now very advanced, I hope the right hon. Gentleman will agree to allow us to report Progress.

Colonel HILL (Bristol, S.): At this late hour, it is very difficult to bring anything forward to the attention of the Committee. In the first place, a large number of Members whose sympathy I wish to evoke have gone home, and the remainder are anxious to emulate their example; but it is the only opportunity I can have of bringing before the Committee the grievances of what I consider a very valuable class of officers—the old adjutants of the Auxiliary forces. The grievances under which these officers labour have already been brought before the notice of my right hon. Friend the Secretary of State for War in a Memorial signed by 103 Members of this House. Although the answer the right hon. Gentleman gave to that Memorial was not satisfactory, I venture to think he would not be sorry if an expression of sympathy on the part of this Committee justified him in again giving the question some further consideration. The grievances under which these officers labour are two. The first is that by the introduction of a Warrant they are deprived, at the age of 55, of an appointment they had every reason to believe would be a life appointment, or, at all events, for so long as they retained their health and strength. And the other is that by the introduction of majors they have been deprived of their seniority. I do not for a moment argue the question as to the desirability or otherwise of this 55 years rule for adjutants, but I venture to say, and I think I shall be supported by the opinions of all in the House who know anything of the Services, that the old adjutants have rendered great services to the Auxiliary Forces. They had to give up their profession to accept these appointments in the Auxiliary Forces, knowing that in doing so they gave up all chance of promotion and reward, but they believed the appointment would be one for life, and fairly well paid. But that is not the case. It has been asserted this appointment was only to last until they were 60 years of age; but I cannot find any such regulation, and I know, as a fact, many officers did hold this appointment when even older than 65, and I could give their names if it were necessary. They have been deprived of this life appointment at the age of 55, and have had no compensation made to them for it. When they joined under the Warrant of the 19th June, 1860, they were allowed a retiring allowance of 6*s.* a-day after 16 years' service. In 1879 the matter was brought before Lord Bury's Commission, and a fresh Warrant was issued in October of that year, which gave a retiring allowance of 7*s.* a-day for 15 years' service, and 8*s.* a-day for 20 years. Then came the Royal Warrant of July, 1881, which, at the age of 55 years turned them out, and gave them no compensation excepting a paltry 2*s.* if they succeeded in putting in 20 years of Auxiliary service. That is the grievance of which they complain, and I venture to think it is one that will take the sympathy of the Committee with it. Although we may be anxious for economy, the Committee will, I am sure, feel that justice ought to be done, and that it is not for the credit or the interest of the country for faith to be broken with officers. The other grievance is this—that there have have introduced into the Service, majors who have superseded them and made them junior. This occurred the other day to my own adjutant, a distinguished officer of 17 years' Regular and 17 years' Auxiliary service; he was junior on a board to a major. I think the Committee will understand that this is very galling to men who have worked very hard indeed in the Auxiliary Service, and I hope the Committee will be disposed to do them justice. If the Committee cannot afford to be generous, at all events, I hope it will afford to be just, and that the Warrant in regard to the 55 years at least will be suspended. There are very few of them left, only 18 officers of the Militia and 41 of the Volunteers, and I think they ought at least to be allowed to work out their modest maximum pension of 10*s.* a-day. It would also only be a graceful recognition of their services, if they had a step of honorary rank given them on their retirement.

Dr. TANNER: I rise now for the purpose of saying that I omitted to say on the last occasion all I had to say, though it was only a sentence, and I now complete what I omitted then. I beg to move, Sir, that you report Progress.

The CHAIRMAN: The hon. Gentleman spoke of making the Motion, but he did not do so before.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." —(*Dr. Tanner.*)

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): Once again I wish to appeal to the hon. Gentleman not to press this Motion. I have no wish to force the Committee to go on when the Committee generally objects to do so; but I really believe the Committee is desirous to settle this Vote that has already been entered upon, and after that we shall be quite willing to report Progress. It must be borne in mind that these Votes are now under the consideration of the Committee, and will be reported upon by them in time, I hope, to be dealt with next year; therefore, under the circumstances, I hope the hon. Member will withdraw his Motion.

Dr. TANNER: It should also be remembered that one of the right hon. Gentleman's supporters said he had a great deal more to say on this matter. I am perfectly aware of the fact that the right hon. Gentleman wants to get through the Business as fast as he possibly can; but there are a number of Gentlemen, especially Gentlemen who sit opposite, who would like to express their opinions in regard to this Vote; but if they will not speak up for themselves, I cannot help it. Under the circumstances, I must persevere in my Motion.

MR. ESSLEMONT (Aberdeen, E.): I should be glad if the Government could have this Vote, provided the Committee allows it without discussion; but I must remind the right hon. Gentleman there is a very long list of Orders and some Bills to be introduced of considerable importance, and therefore it is not fair to go on unless there is a general concurrence that the discussion shall be stopped.

Question put, and *negatived.*

Original Question put, and *agreed to.*

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

MUNICIPAL REGULATION (CONSTABULARY, &c.) (BELFAST) BILL.

(*Colonel King-Harman, Mr. Solicitor General for Ireland.*)

MOTION FOR SELECT COMMITTEE.

[ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Question [26th July], "That the Bill be committed to a Select Committee of Seven Members, Four to be nominated by the House and Three by the Committee of Selection."

Question again proposed.

Debate *resumed.*

MR. JOHNSTON (Belfast, S.): I hope the right hon. and gallant Gentleman (Colonel King-Harman) will not persist in taking this at this hour of the night, as we know there is a great deal to be said on the subject.

MR. SEXTON (Belfast, W.): I hope the right hon. Gentleman will not be foolish enough to go behind his own Motion. The Leader of the Government and the right hon. and gallant Gentleman have both told us they are anxious to pass this Bill. A week has already been lost, and since it was last before the House a meeting of the Catholics of Belfast have been held, and they unanimously resolved to urge the Government to proceed with it. If there is any further delay, I shall be inclined to think the Government had no intention to proceed with it.

Question put, and *agreed to.*

Dr. Tanner

Ordered, That all Petitions against the Bill, presented two clear days before the meeting of the Committee, be referred to the Committee; that the Petitioners praying to be heard by themselves, their Counsel, or Agents, be heard against the Bill, and Counsel heard in support of the Bill.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That Three be the quorum.—(*Colonel King-Harman.*)

MR. SEXTON: Do you propose to put down the names of the Committee to-night?

THE PARLIAMENTARY UNDER SECRETARY FOR IRELAND (Colonel KING-HARMAN) (Kent, Isle of Thanet): Yes; I propose to do so.

DISTRESSED UNIONS (IRELAND) BILL.

(*Mr. Arthur Balfour, Mr. Solicitor General for Ireland, Colonel King-Harman.*)

[BILL 307.] COMMITTEE.

[ADJOURNED DEBATE.]

MR. DILLON (Mayo, E.): I would ask what course the Government intend to adopt with regard to this Bill? I have given Notice of a block, and I intend to keep on the block; and unless the Government are prepared to take it before half-past 12 o'clock, it would be better to move to discharge the Order.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): We are not willing to undertake the responsibility of discharging the Order; but, under the present circumstances, we are unable to bring it on before half-past 12 o'clock, and I therefore prefer, for the present, to keep it on the Paper.

Adjourned Debate on going into Committee [11th July] *further adjourned* till *Monday* next.

FIRST OFFENDERS BILL.

CONSIDERATION OF LORDS AMENDMENTS.

Lords' Amendments *considered.*

Motion made, and Question proposed, "That this House doth agree with the Lords in said Amendments."—(*Mr. Howard Vincent.*)

DR. TANNER (Cork Co., Mid): With great diffidence and considerable hesitation I interpose to move the adjournment of the debate. A certain number of Amendments have been read out, but it is quite impossible to follow them; and for the benefit of everybody interested, I think it would be well if we had an opportunity of examining the Amendments in the light of day.

Mr. TOMLINSON (Preston): I may mention that the Amendments were circulated with the Votes, and we have all had an opportunity of reading them.

Dr. TANNER: They were circulated this morning; but I did not happen to see them. The hour is advanced; and possibly there are many hon. Members who desire to discuss the subject, and I do not see why the opportunity should be denied, I beg to move the adjournment of the debate.

Mr. CHANCE (Kilkenny, S.): I beg to second that Motion. This is an important Bill, and one to which I have an extreme objection. The Amendments we have just heard read, and which we know of for the first time to-day, deserve more consideration than it is possible for us to give them now. It is quite possible we might desire to amend those Amendments.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Dr. Tanner.*)

Mr. HOWARD VINCENT (Sheffield, Central): I hope the hon. Member will not press his Motion. All the Amendments have been put before hon. Members, the Bill has been before the House for a long time, and every hon. Member must be thoroughly well acquainted with its provisions. It changes the existing law very little, and that only by the introduction of a provision of mercy.

Question put, and *negatived.*

Original Question put, and *agreed to.*

Lords' Amendments *agreed to.*

AGRICULTURAL LABOURERS' HOLIDAYS (SCOTLAND) BILL.—[Bill 311.]

(*Mr. Thorburn, Mr. Barclay, Dr. Clark.*)

CONSIDERATION.

Bill, as amended, *considered.*

Dr. CLARK (Caithness): I think we are all agreed in regard to this measure; there is only one technical Amendment required.

Amendment proposed, in Clause 2, line 8, after the word "require," to add the words, "of any servant or servants."

Question, "That those words be there added," put, and *agreed to.*

Bill read the third time, and *passed.*

STANNARIES ACT (1869) AMENDMENT (*re-committed*) BILL.—[Bill 342.]

(*Mr. Acland, Sir John St. Aubyn, Mr. Courtney, Visount Ebrington, Mr. Bickford-Smith, Mr. Seale-Hayne.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 10, inclusive, severally *agreed to.*

Clause 11 (Wages to be paid within fourteen days).

Mr. C. T. D. ACLAND (Cornwall, Launceston): I find, on consulting these thoroughly acquainted with the working of mines, that in a certain class of mines it is quite possible that a man may earn nothing whatever in the 14 days immediately preceding that upon which the agent estimates the payment, the time being occupied in the erection of scaffolding and such matters. The words I propose are such as will include any 14 days for which payment is due.

Amendment proposed, in page 4, line 38, to leave out the words "immediately preceding," and insert the words, "for which payment is due."—(*Mr. C. T. Dyke Acland.*)

Question proposed, "That those words be there substituted."

The ATTORNEY GENERAL (Sir Richard Webster) (Isle of Wight): I have no doubt the hon. Member is right; but I think it will be more satisfactory to have the words set down for consideration of their full effect, and perhaps the hon. Member will allow them to stand over for Report.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clauses 12 and 13 severally *agreed to,* with verbal Amendments.

Clause 14 (Power to pay over club funds to general relief society).

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.): It may save time if I explain that instead of the words "general provident or relief society," in line 16, page 4, I propose to insert the words "registered friendly societies."

Mr. CONYBEARE (Cornwall, Camborne): I have first an Amendment to propose to the third line, which will make the words run—

> "It shall be lawful for the miners working in a mine by resolution of a majority of them,"

and so on. It does not alter the sense, but merely makes it a little clearer what the intention is, and prevents some half-dozen miners acting together coming to a resolution which might have the effect of an injustice to the great body of miners.

Amendment proposed, in page 6, after the word "miners" in line 13, to insert the words "working in a mine."—(*Mr. Conybeare.*)

Question proposed, "That those words be there inserted."

Sir RICHARD WEBSTER: Should not the words be "employed in the mine," otherwise it might be construed to mean those at work on a particular day or week?

Mr. CONYBEARE: I accept that alteration.

Mr. TOMLINSON: Might it not also be construed to mean only those in the mine, not those on the surface?

Mr. CONYBEARE: I will move the Amendment in this form, "employed in or about the mine."

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 6, line 13, after the word "miners," to insert the words "employed in or about the mine." —(*Mr. Conybeare.*)

Question, "That those words be there inserted," put, and *agreed to.*

Amendment proposed, in page 6, line 16, to leave out the words "general provident or relief," and insert the words "Registered Friendly."—(*Mr. Jackson.*)

Question proposed, "That those words be there substituted."

Mr. TOMLINSON: Of course, the idea of the clause is to facilitate the formation of general provident societies for the Stannaries district, similar to the societies in the coal mining districts. Now, so far as I know, there are none of these called friendly societies. The ordinary friendly societies do not take this sort of risk.

Sir RICHARD WEBSTER: The Amendment is, I think, required; for there are no such societies referred to by Statute in the words mentioned in the Bill, and the proposed words would include all that is required.

Mr. C. T. D. ACLAND: The intention is to form provident societies such as are formed in other mining districts, but do not exist in Cornwall. Would not the words rather tend to prevent the amalgamation of clubs of different mines to form a society? That I take to be the object of the clause, but there being no registered friendly society to which the funds could be transferred, we want to make it possible for all to combine.

Sir RICHARD WEBSTER: I think there will be no difficulty in the way of forming a society in such a way. If the Committee will allow the Amendment to stand, I will consider it further on Report.

Mr. CONYBEARE: I may suggest that we might get over any difficulty by keeping in the words, and adding the words "or friendly society registered under the Friendly Societies Act."

Sir RICHARD WEBSTER: No; I do not think that would do. It would seem to draw a distinction between provident relief and friendly societies. As I understand, the point of the Amendment is that the society, when transferred, shall be a society under the provisions of the Friendly Societies Act.

Question put, and *agreed to;* words *substituted* accordingly.

Amendment proposed, in page 6, line 19, to leave out from the word "provided" to end of Clause.—(*Mr. Jackson.*)

Question, "That those words be there left out," put, and *agreed to.*

Clause, as amended, *agreed to.*

Clauses 15 to 17, inclusive, severally *agreed to.*

Clause 18 (Disputes how to be determined).

Mr. CONYBEARE: I just want to move the insertion of a couple of words at the end of the second line, in reference to the settlement of disputes. This clause has relation simply to the procedure for enabling miners to settle any disputes they may have in an economical and expeditious manner, and I think it was fully contemplated by the Committee that it should apply to any contract, as well as to the question of money; and therefore I propose the addition of the words "or any contract."

Amendment proposed, in page 7, to insert at end of line 14, the words "or any contract."—(*Mr. Conybeare*).

Question proposed, "That those words be there inserted."

Sir RICHARD WEBSTER: This requires a little consideration. I am not at all sure that it would be prudent to adopt the proposal; but if the hon. Member will reserve it for Report I will meanwhile consider the full effect of it.

Mr. TOMLINSON: I certainly do not think I could acquiesce in it.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clauses 19 to 34, inclusive, severally *agreed to.*

Clause 35 (Evasions of this Act to be void).

Mr. TOMLINSON: On this clause I have two Amendments, the first of which is to omit the words from "or" in line 18 to "funds" in line 19. I submit to the Committee that without these words the workmen will still have their rights amply secured, while if you retain the words it will simply be impossible for them to manage any sick fund or benefit fund at all. All such must have certain rules for the disposal of the fund, and I fail to understand how any club could work without them. This constitutes a contract to which each subscriber is a party. I do not think it was really intended to prevent this; but the clause, as it stands, would prevent any contract whatever in relation to the fund.

Amendment proposed, in page 12, line 18, to leave out from the word "or" to the word "funds" in line 19 inclusive. —(*Mr. Tomlinson.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. C. T. D. ACLAND: I really must stand by the clause as it is. I ask the Committee to turn to line 21 in Clause 13, where there is this proposal—

> "Unless the majority of the miners shall sign a resolution to the contrary."

This was put in at the suggestion of the hon. and learned Member, and to a considerable extent qualifies the right of the miners to any money deducted from their wages. The opinion of the Committee distinctly, was that the money deducted should be entirely under the control of the miners; but a Proviso was inserted that a majority of the miners might, if they wished it, surrender their right. Now we are very anxious that the miners should not be subject to any inducement to surrender that right, and so we think it necessary to adhere to this Clause 35, which, however, would not be necessary but for these words in Clause 13. If the hon. and learned Member insists on those words in Clause 13, so we must adhere to the words here.

Mr. TOMLINSON: I am astonished that the hon. Member should find any connection between the two clauses. Of course, I should be out of Order in going back to the discussion of an earlier clause; but I may be allowed to say that it was considered that the miners might desire to have more direct control over their funds than they now have; but there should also be the means of allowing them to keep things as they are if they wish it. But these words have nothing whatever to do with that; they are restrictions on the workmen making any agreement for the disposal of the funds. Now, unless some rules are made, some contracts entered into between the parties, it is quite impossible to have the club formed at all. How are you going to manage a club, if every contract in reference to the disposition of the funds is to be void?

Mr. CLANCY (Dublin Co., N.): I hope that this Amendment will not be pressed. The object of it is quite clear. It is to enable these miners to contract themselves out of the Act. Now, I think that we have heard enough of this for the last seven or eight years in connection with the Irish Land Question. In the case of the Act of 1870, you gave tenants power to contract themselves out of it, and the effect was to lay them completely prostrate at the feet of the landlords. The effect of this Amendment will be to place these miners at the feet of the mine-owners, and if it is carried, you will take nearly half of the good out of the Act. It seems to me to be perfect nonsense to imagine for a moment that these miners will get any liberty whatever, or gain any advantage if they are permitted to contract themselves out of it. The whole supposition on which the Act is based is that the miners are not in a position to make free contracts with the mine-owners, and yet this Amendment is proposed on the assumption that they do not desire to do so. This Committee may be sure that if the Amendment is carried, pressure will be brought to bear on the men in one way or another. If you are going to protect them in one part of the Act, do be consistent and protect them in every other part. The effect of carrying this Amendment will be—and I am after the object of it—to take away with one hand what you are giving the miners with the other, and I therefore earnestly hope that it will not be pressed, or that if it is, every friend of the working classes in this country will resist it.

SIR RICHARD WEBSTER: I must say I think that these words certainly require some alteration. The Amendment does not seem to me to be open to the somewhat scathing criticisms of the hon. Member who last spoke. It has nothing whatever to do with Clause 13, nothing to do with the reservation of rights; it simply enables the workman to make arrangements or contracts with regard to the particular way in which the club should be managed. I submit to the hon. Member who has just spoken that in the recent discussions on the Truck Bill, the working men, through their Representatives, expressed a desire to have this power, and without the Amendment they would not be able to exercise it. The clause as it stands now is so wide that I fear it will only hamper the operation of the Bill.

MR. CLANCY: The mere fact that benefit funds of this character have actually been appropriated by mine-owners in certain contingencies is a proof that the mine-owners are capable of imposing a condition which would enable them to appropriate them in the future. The arguments now advanced are the old ones we used to hear. It was contended that the tenants should have the power of making free contracts, and the argument now put forward has just as little foundation in fact or truth as that argument had. I repeat that the supposition on which this Bill is framed, and the assumption running through it, is that the miners are not capable of making free contracts with their employers; and, surely, if you act on this assumption in the earlier part of the Act, it is inconsistent to object to it at the very end, and that with reference to such things as sick benefit funds which have actually been appropriated in a most iniquitous manner by mine-owners.

MR. MUNDELLA (Sheffield, Brightside): The clause was introduced by the Committee for the purpose of protecting the miners from undue pressure, and to leave them in full possession of the benefits intended to be conferred on them by the Act. It was put in by the Select Committee by a majority of 7 to 3, and, that being the case, I hope the hon. and learned Attorney General will not alter it. Why should a manager or employer impose any condition in respect of the sick or benefit fund? Why should not the men be left in full possession of the power to deal with them as they please?

MR. TOMLINSON: I am not asking that the employers should have the right suggested. They do not want to interfere in these matters. All I ask is that you will not put in the clause words which will make it impossible for the miners themselves to manage their own funds.

MR. W. ABRAHAM (Glamorgan, Rhondda): The object of the Amendment is quite plain. We have been told permanent relief funds are to be formed in Cornwall, and the Amendment, if carried, would enable the employers to impose certain conditions on the men; there will be nothing to prevent the employers making membership of a provident fund a condition of getting work in a mine. I hope that the Committee will keep that in mind; these words are quite plain—"or impose any condition whatever." If you alter that, imposition will come from the employers. We know it has come in the past under the covering of freedom of contract. There can be no freedom of contract when a man has a monopoly in his hand. We know that employers, when trade is good, have failed in South Wales to introduce provident funds; but in times of depression, they have said that only men would be employed who joined a permanent relief fund. What could the men do when the employers did that? They wanted work, and could not get it unless they joined a fund, and so they had to. The same will occur in Cornwall if you leave out these words. I hope we shall earnestly oppose the Amendment.

MR. SEALE-HAYNE (Devon, Ashburton): I will not detain the Committee long; but as the Representative of a constituency in the Stannaries district, I sincerely trust the hon. and learned Member will not press his Amendment, because I know how deeply the grievance is felt amongst miners when the money which they subscribed for the purpose of a club fund has, as has been frequently the case, fallen into the hands of creditors. I can only say that if the hon. Member presses his Amendment and it is carried, it will necessitate my making two very important Amendments on the Report stage, in order to give the miners the protection they desire.

MR. TOMLINSON: I wish that hon. Members would remember that I am not seeking to give the employer any power over the fund. I am only proposing such an Amendment as will enable the miners themselves to manage it.

SIR RICHARD WEBSTER: I think the addition of the words "with the employer" will meet the views of the hon. Member (Mr. Seale-Hayne) for that will leave the men at liberty.

MR. CONYBEARE: I am quite ready to accept that.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 12, line 16, after the word "implied," insert the words "with the employer."

Question proposed, "That those words be there inserted."

SIR RICHARD WEBSTER: This will prevent pressure being put on workmen by the employers, or the imposition of terms with regard to these funds.

Question put, and *agreed to.*

MR. TOMLINSON: I am perfectly well aware that there is at the present moment a popular feeling in favour of not allowing people to make contracts for themselves. It is a policy which was repudiated by the Liberal Party years ago. I certainly intend to make a protest against the insertion of a clause which says that grown-up men are not to make contracts. When I first took to English law, I learnt that three persons were incapable of making contracts, lunatics, infants and married women. You have since emancipated married women; but now you are seeking to enslave working men. I again repeat there is no desire on the part of mine-owners to interfere with these funds, and I do not believe any evidence of such a desire exists.

Amendment proposed, "To leave out Clause 35."—(*Mr. Tomlinson.*)

Question proposed, "That the Clause stand part of the Bill."

MR. CONYBEARE: I have not the slightest objection to the hon. and learned Member making a protest; but I hope he will not put the Committee to the trouble of dividing. I sat for many hours on the Select Committee taking evidence on this matter, and I say we had ample evidence that the men showed a desire the Bill should be a reality and not a sham.

Amendment *negatived.*

Clause *agreed to.*

Remaining Clause *agreed to.*

Bill *reported;* as amended, to be considered *To-morrow.*

RATING AND VALUATION (SCOTLAND) BILL.

Select Committee *appointed,* "to consider the Law relating to the rating and valuation of the various kinds of property subject to assessment in Scotland; and to report what amendments may be necessary therein."—(*Mr. Edmund Robertson.*)

UNIVERSITIES (SCOTLAND) BILL.

On Motion of The Lord Advocate, Bill for the better administration and endowment of the Universities of Scotland, *ordered* to be brought in by The Lord Advocate, and Mr. Solicitor General for Scotland.

Bill *presented,* and read the first time. [Bill 357.]

SITTING OF THE HOUSE (SATURDAY).

Resolved, That the Sitting of the House on Saturday next be held subject to the Standing Orders that regulate the Sitting of the House on Wednesdays.—(*Mr. William Henry Smith.*)

House adjourned at Three o'clock

HOUSE OF LORDS,

Friday, 5th August, 1887.

MINUTES]—PUBLIC BILLS—*First Reading*—Agricultural Labourers' Holidays (Scotland)* (212); Open Spaces (Dublin) * (213); Public Parks and Works (Metropolis) * (214).

Second Reading—Licensed Premises (Earlier Closing) (Scotland) (183).

Report—Margarine (Fraudulent Sale) (205-215); Criminal Law (Scotland) Procedure (No. 2)* (209); Coroners * (210).

Third Reading—Secretary for Scotland Act (1885) Amendment (194); Trinidad and Tobago * (195); Allotments and Cottage Gardens Compensation * (155); Statute Law Revision * (192), and *passed.*

AGRICULTURE—THE HESSIAN FLY.

QUESTION.

The Earl of WINCHILSEA asked the Lord President of the Council, Whether he could give any information with regard to the Hessian fly, the districts affected, the amount of destruction occasioned; whether instructions had been circulated of the way to deal with it; and whether compensation would be awarded?

The LORD PRESIDENT of the COUNCIL (Viscount Cranbrook) said, that according to the latest Report received at the Privy Council Office, dated the 3rd instant, the Hessian fly had appeared in parts of Huntingdonshire, Cambridgeshire, Suffolk, Wiltshire, Hampshire, Essex, Bedfordshire, Lincolnshire, Hertfordshire, Yorkshire (Goole), and in Errol, Kincardine, Montrose, Fife, and Brechin, in Scotland. With respect to the instructions issued by Mr. Whitehead a short time ago, he might say that, as to the harvest this year, a great many of the crops had been cut, so that nothing could be done with regard to them. Instructions, however, would again be issued. There was no power to grant compensation, either out of Government funds or out of the rates, for any loss that might result from the execution of such instructions. The whole subject was being carefully considered, and Mr. C. W. Gray, M.P., and Mr. Whitehead, the well-known authority on destructive insects, were engaged in investigating the circumstances attending the appearance of the fly. He was sorry to say, from the specimens sent up, that there was no doubt that it was really the Hessian fly that had appeared. He had no reason to believe that the destruction wrought by the insect was as yet very great; but last year the fly had hardly appeared in this country, and this year it had spread over a great part of the country.

MARGARINE (FRAUDULENT SALE) BILL.—(No. 205.)

(*The Lord Basing.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

Moved, "That the Report of Amendments be considered."—(*The Lord Basing.*)

Lord DENMAN said, he had no wish to interfere with the sale of a good substitute for butter; but in the 3rd clause of the Butter Substitutes Bill brought in last Session, it was expressly provided that no word should be used which included "butter" in it. The Bill was to have been referred to a Select Committee. It was brought in by Lord Vernon, a nephew by the brother's side of the noble Earl on the Cross Benches (the Earl of Wemyss). Lord Vernon made by machine exceedingly good butter, which always commanded a high price; but yet it might be mixed with lard by the retail dealer, and the best lard cost only 9*d.* per lb. The practice had been suspected in private dairies, and when on a visit with his father on the Circuit at Strathfieldsaye, he heard the Marquess of Douro say that he thought the dairymaid put lard into their butter. The article was sold in Lancashire as "rine" and bosh, and in America it had been called bogus; but a rose by any other name would smell as sweet. Mr. Vaughan, the Police Magistrate, had fined a man for selling butterine as butter; but as it was not unwholesome the fine was very small. In this Bill the fines were discretionary; but "rine" included both margarine and butterine, and they were distinct, for margarine could not be spread upon bread. If it were said that the word was not sufficiently known, he would say—

> "Licuit semper que licebit,
> Signatum prosente nota procudere nomen."

The Earl of WEMYSS, in rising to move that the word "butterine" be substituted for "margarine" in the title of the Bill, said, that since the great controversy between "the big and the little Endians" as to the right way of eating an egg, there had been no such excitement as this over the great Margarine *versus* Butterine Question. On the last occasion when this subject was before the House mention was made of the fact that many of their Lordships had come from the country, at great inconvenience to themselves, with the object of voting in favour of what they held to be the suppression of fraud. He thought, however, that there was another motive which had actuated some of their Lordships. In addition to voting against fraud, they had determined to vote at the same time for the suppression of a prosperous rival, which threatened to compete successfully with butter. What had been the history of this question? Last year a Bill was brought in by Lord Vernon for the purpose of abolishing butterine, but did not reach the stage of second reading. Early in the present Session a Margarine Bill was brought in, and referred to a Select Committee, who came to the conclusion, by a majority of two to one, that, upon the evidence, the name should be "butterine." The Bill having reached the other House, a Division was taken at 3 o'clock in the morning upon the question that the name "margarine" be adopted, and the Motion was carried by a majority of 87 to 70. But 46 of the Members who voted in the majority were Irish Members deeply interested in Cork butter. It appeared, therefore, that if England and Scotland could enjoy Home Rule with reference to this question, there would be a large preponderance of opinion in favour of "butterine" as against "margarine." On a subsequent occasion it was proposed to re-insert the name "butterine" in the Bill; but the Motion was lost. The numbers were 124 against the Motion and 99 in favour of it. In the majority 41 Irish Members voted, so that the wishes of the English and Scotch Members were once more overruled by the Irish butter vote. The President of the Society of Analysts had made a statement on the subject of butterine, which was endorsed by Sir Frederic Abel in his evidence before the Committee. Sir Frederic Abel described butterine as a finished article of commerce, consisting of 60 per cent of margarine. Margarine was not butter, but a fluid portion of animal fat. Butterine was the generally accepted name for butter substitutes, and there was no reason for prohibiting its use. Another scientific witness, Sir Lyon Playfair, called the term margarine scientific nonsense, and yet that House was asked to stamp butterine with a name which was scientific nonsense. It was not only the butterine manufacturers but also the margarine manufacturers who objected to the articles which they made respectively being miscalled. That alone was strong ground against the use of the term margarine. Those of their Lordships who had been to the Refreshment Room would see that margarine and butterine were as distinct from each other as chalk from cheese. A noble Friend who had tasted a sample of it, when asked to what conclusion he had come, said—"Why, I have, I am sure unknowingly, eaten tons of it." Now, as to the character of butterine as an article of food. The evidence was quite distinct that it was a perfectly wholesome article, and that it had in many workhouses and other public institutions taken the place of butter. It was, indeed, preferable to a good deal of what went by the name of butter. In Liverpool it was largely used and highly appreciated in the workhouses, where it was used after a careful trial and report by the medical officer; and a saving was effected of no less than £500 a-year in one workhouse alone as compared with what would be the cost of butter. Mr. Thomas, of the Local Government Board, who was an important witness, gave evidence before the Select Committee of the excellence of butterine as an article of food, and its popularity was attested by its having been an article of trade for the last 12 years, the annual value of the trade now being £4,000,000 sterling. That was the trade which the House was asked to injure, for he believed the use of the name margarine would injure it. The President of the Board of Trade had actually, on this question, dissociated himself from the Government, and expressed himself in favour of the views of the Select Committee. Margarine, butterine, and oleomargarine were all pretty names, and he was told that Corney Grain, in one of his popular songs, addressed the girl of his heart as "Margarine," and when his passion was at its height he called her "Oleomargarine." But he objected to these names being misused. Suppose it was a question of fraud. Surely if anybody bought butterine in mistake for butter the maxim *caveat emptor* would apply. If the poor bought butterine at 6*d.* a pound, instead of butter at three times the price, and thought it was butter and liked it, no particular harm was done, and no service would be rendered if they were undeceived. He was quite sure that tons of butterine were sold under the name of butter by regular butter retail merchants. Mr. Howard, the late Member for Bedford, who was an authority on all agricultural questions, said that the term butterine had become well established in the trade, and that the name should be retained, but that it should be coloured in such a way as to distinguish it from butter. Now, were the agriculturists of this country wise, even on the lowest grounds, in the view which they had taken on this question? Rather they were being made the cat's-paws of by the dairy farmers. Butterine was made from the fat of the ox, while butter was made from that of the cow. Why should not the farmers of this country utilize their oxen in this way instead of leaving all this thriving trade to foreigners? The English farmer was being misled on this subject, exactly as he had been misled about the Malt Tax, for the repeal of which there was such a continuous outcry. When at last it was repealed the barley growers were in no better plight than before, all sorts of substances were used for the manufacture of beer, and barley had fallen 3*s.* to 6*s.* a quarter in the market. He objected to the Bill on this broad ground. He objected to its principle, and he objected to some of its provisions. To the principle of the Bill, he objected because he believed it to be wholly novel and unprecedented that Parliament should be asked to suppress the name of an article of trade which has been in use for 12 years; and that Parliament should legislate in this way by a special Act of Parliament for one and against another special interest, and that all this should be done under the guise of suppression of fraud. If there were any fraud which the existing Adulteration Acts did not touch that was a reason for amending those Acts, so as to reduce fraud to a minimum. But he objected to a system under which whenever one interest found a rival that it thought hurtful, it might come to Parliament and ask for the practical suppression of the name of the article of trade sold by its rival. That was a very wrong principle of legislation. It was unstatesmanlike, and it was a sort of legislation to which their Lordships ought not to give their sanction. If this Bill were passed what was there to prevent similar legislation with regard to velveteen, ivorine, and coralline, and, more still, gasoline, which stood on all fours with the question of butterine? Gas was supposed to be made from coal and it was an illuminant. Gasoline was also an illuminant, but it was made from oil. The difference between them stood on all fours with this question of margarine and butterine, and it would be quite as reasonable for the manufacturers of gas to come to Parliament and ask to have gasoline suppressed or called by some other name. There were other provisions in the Bill, and how the House of Commons, which was full of manufacturers of all kinds, could allow this Bill to pass their House and to come to their Lordships' House with the 7th clause in it passed all ordinary comprehension. That clause allowed the Government Inspector, to be created under this Bill, to enter at any hour of the day or night into the place where the butterine was manufactured, to watch the process of manufacture, and to report upon it. Moreover, all manufactories were to be registered. An attempt was being made to get in the thin edge of the wedge by which an Inspector was to be empowered to enter a factory and to ascertain the process of manufacture. This would put a stop to all improvement in this country, and would give rise to corruption and bribery. Our manufacturers were very jealous with regard to disclosing their modes of manufacture. He had been told that when the Prince of Wales was recently admitted to the works of Sir William Armstrong he was not shown some particular process of manufacture, but an Inspector would be able under this Bill to see what the Prince of Wales would not be permitted to see. There would be an immense demand for the Inspectorship, because, by another clause, the Inspector might take away as many samples as he pleased from every manufactory without paying for them, and his impression was that the butter bill of this Inspector would not be very large. He would now say a few words respecting his own action with regard to this Bill. It was sometimes said that he had made himself a tool of the butterine manufacturers. Last year, when his nephew (Lord Vernon) brought in his Bill, he opposed it on the broad principle that that was not the way to legislate, and that Parliament ought to amend the general Acts and ought not to pass these particular Acts. He did that without any communication whatever with the butterine manufacturers. He objected to and resisted this Bill on principle. Any noble Lord who went to the Refreshment Room might see for himself that margarine was an uneatable substance, and yet they were now asked to give that name to an article of diet. In conclusion, he asked their Lordships not to sanction a Parliamentary lie by putting into an Act of Parliament that which was opposed alike to science and to sense.

Moved, in the title, to leave out ("Margarine") and insert ("Butterine").—(*The Earl of Wemyss.*)

LORD THRING said, that to make it a misdemeanour to call an article by its well-known name of "Butterine" was a thing unprecedented in English legislation. Moreover, all the 21 witnesses examined before the Select Committee of the House of Commons, with the exception of three, were in favour of the word butterine, and deprecated the use of any other word. The Committee divided two to one in favour of butterine.

EARL FORTESCUE said, he had taken an interest in these questions ever since he sat on the Adulteration Committee of the other House in 1856, and had read every word of the evidence in the Blue Book, and that had led him to the opposite conclusion from the noble Lords. Eleven of the 21 witnesses only spoke in favour of the name "butterine;" five were neutral. As to the question of the recommendation of men of science that the name "butterine" should be used, he wished to point out that if English men of science were of opinion that "butterine" was the right name to give to these substances they were apparently at issue on the point with the scientific men of most of the other civilized countries in the world. In Germany the name "margarine" was attached to these substances by law, and in the United States the term "oleomargarine." In France they had the further alternative of *graiſe alimentaire*, rendered in the Blue Book by "edible fat." He, therefore, thought it was rather too much to expect them to submit the settlement of the name in this matter explicitly to the *dicta* of our men of science when the men of science of the United States and of pretty nearly the whole of Europe took the opposite view. Although he might not think "margarine" the best name that could be selected, he learnt from one of the 11 witnesses hostile to it that under the name of "margarine" people would not love butterine any the less. He was satisfied that, as compared with the misleading name of "butterine," the preponderance of reason and justice was in favour of the name which the majority in the other House of Parliament had twice affirmed as the right one to be applied to this article.

LORD BASING said, that on behalf of the promoters of the Bill he must ask their Lordships to reject the Amendment of the noble Earl and to adhere to the Bill as it came from the Commons. A great deal had been made of the evidence taken before the Select Committee on this subject; but he thought that too much reliance ought not to be placed on the evidence published in the Blue Book, because it was all on one side of the question only, and the evidence on the other side was not taken at all. The experience of the last 12 or 14 years since the Food and Drugs Act was passed had shown that the exceptional legislation which has since been found necessary in the case of other articles of food included in that Act was also required in the matter of butter. There was no doubt that the use of the ambiguous term "butterine" had had a great effect in stimulating the sale of the article, it being peculiarly liable to be mistaken by the unwary purchaser for "butter." All that the Committee desired was that those who bought this substance, which consisted of 60 per cent of margarine, should know it to be a substitute and not butter, and that was in accordance with the principle of the Food and Drugs Act—to secure the purity of the food of the people. Moreover, the traders in butterine and margarine made no objection to the provisions of the Bill, and welcomed the presence of the Inspector in their factories. The noble Earl spoke of the sale of butter substitute as important in the interests of the farmers, because it was made from the fat of the ox. But it was the fact that the great mass of this butter substitute was not produced in this country, but was of foreign manufacture. He did not, however, wish to put this forward as a question of Protection, but only as an amendment of the Food and Drugs Act. He did not pretend that the decision in the matter of the name was free from doubt; but he ventured to think that their Lordships ought seriously to regard the conclusion to which the House of Commons, after ample debate had had come. Moreover, after the House had arrived at a decision in the first instance the traders, and especially the dealers in butter substitute, had ample time to secure what interest they could, and yet the House on a subsequent occasion arrived at the same conclusion. That was the principal reason why he should ask their Lordships to retain the word "margarine" and to reject the Amendment of the noble Earl.

LORD HOUGHTON said, he thought there must be some reason very much out of the common which could persuade their Lordships to take away from a perfectly well-known substance the designation which it had borne for 12 years, and to give it a name which, by general admission, was not its name, but the name of something else. He had no doubt it was perfectly true that there was a consensus of opinion among dairy farmers that some legislation on this subject was necessary. But it seemed to him that their Lordships ought to discriminate, on the one hand, between a perfectly legitimate amendment of the law which the dairy farmers might reasonably desire, and, on the other, between the annoyance they might feel at an inconvenient competition. If effect were to be given to the latter they would practically be entering upon Protection. Whatever might be the intention of the promoters of the Bill, its effect would be to raise the price of butter. After the decision of the House of Commons *The Times* stated that its Chester correspondent telegraphed that in expectation that the House of Lords would adhere to the word "margarine" the price of butter had risen considerably. He imagined, therefore, that the hope of a great many promoters of the Bill was that the unfamiliar name of "margarine" would scare the purchasers who had hitherto bought this butter substitute. That, he had no doubt, would be the case for a time; but it was unfair to assume that the purchasers of butterine would not buy it in preference to butter if they knew how it was made. He would remind their Lordships that butter might be made in an undrained dairy, and in the immediate neighbourhood of the farmyard and manure, and in vessels far from clean, and it might, moreover, contain a much larger percentage of salt and water than the butterine, though it still owed its existence to exertions of the cow. It would be far better to allow the poor to buy honest butterine, which was admittedly wholesome, than to compel them to buy butter produced under the circumstances he had described. With regard to the use of the word "margarine" in other countries, the analogy was entirely fallacious, as the avowed intention in using it was to protect the makers of butter, and if Protection was to be embarked upon in this country it ought to be done openly. As the Bill stood it would not protect the large class of persons who bought butter in hotels, restaurants, and lodging-houses, for there was nothing to prevent the proprietors of those places buying margarine under that name and supplying it to their customers as butter. The noble Lord in charge of the Bill had not attempted to insert a clause making it necessary for refreshment houses to exhibit a placard, as was done in the United States, saying "Oleomargarine is used here." He did not believe that it would be to the interest of the dairy farmers that the Bill should pass in its present form, as the result of suppressing the sale of margarine would be to throw back any improvements made in the quality of butter. He should therefore vote in favour of the Amendment of the noble Earl.

THE EARL OF SUFFOLK AND BERKSHIRE said, that the perusal of the evidence taken before the Select Committee had not altered his opinion on this subject. Many witnesses laid great stress on the fact that the name "margarine" was unscientific, but he would wish particularly to direct the attention of the House to the evidence of three dairy farmers. They said that they feared no competition whatever with any grease or fat that could be manufactured, except so far as it was called by some name resembling butter. They insisted that the word "butter" was the trade-mark of the agricultural interest, and that any plausible imitation of that trade-mark was calculated wrongly and injuriously to affect their interests. In his opinion the word "butterine" was such a plausible imitation, and for that reason he trusted the House would adhere to the word "margarine."

LORD BRAMWELL remarked, that the question was not whether butterine was a convenient or a scientific name, but whether margarine was a right or a false name. He understood from everybody that margarine was not a correct name for the substance known as butterine, and they were asked, therefore, to enact that this substance should be called by a name which was not true, in order to mislead people. The noble Lord who had charge of the Bill justified the name "margarine," on the ground that 60 per cent of the materials which went to make up the substance were correctly described by that term. He would ask the noble Lord this. Would he propose to call bronze copper because bronze contained 60 per cent of copper? If the argument of the noble Lord were accepted, they ought to call bread flour. It was ridiculous to suppose that the adoption of the title "margarine" would prevent fraud. Did their Lordships believe that a rogue who wished to palm off butterine as real butter would be deterred from doing so by a change of name? He had no doubt that the opposition to the name "butterine" came from the butter trade. It was a curious thing that no witnesses were called before the Select Committee to show that vendors of butter-substitute were prone to commit fraud. If the proposal were merely that the name "butterine" should be abolished it would not be open to so much objection. The supporters of the Bill, however, went further, and wished to designate an article by an untrue name, the object being to induce purchasers of butterine to buy butter in future. But this was an idle expectation, for the matter would soon be understood, and the people who now bought butterine would soon discover that the so-called margarine was the same thing and would purchase it under its altered name.

THE DUKE OF ARGYLL said, that it was one of the chief functions of legislation to secure the consumer against adulteration and could he view this measure as being for the consumer's protection he should certainly vote in favour of it; but the object of the Bill was not to prevent adulteration. There was no butter in butterine. Butterine was a manufactured article that had been in the market for a considerable number of years, and had established a firm footing in the consumption of this country; and the question was whether they were, by a side wind, and by giving this article an opprobrious and incorrect name to supply an artificial stimulus to the butter trade. Any endeavour of that kind he did not think legitimate. What the butter trade wanted was the stimulus of competition, and the exertions of farmers ought to be directed to the production of better butter. He felt ashamed when he thought of the butter which many of our farms produced. It was offensive in smell, rancid in taste, and could not bear comparison with even the inferior qualities of foreign butter. Yet our climate, which favoured the growth of grass, was that of a butter-producing country, and he believed that if the attention of our farmers were but directed to the making of a higher class of butter, they could produce as fine an article as was now introduced into this country from Holland, Belgium, and the Baltic Provinces. He objected to the Bill before their Lordships, because it was indirectly a protective measure. He held that margarine was not a proper title to apply to a manufactured article. There was already an article called margarine. What was to become of that? He did not think it was wise to give so large and wide powers of inspection as were proposed by the Bill, and he trusted Parliament would not be led away by the obvious interests that had induced the Irish Members in large numbers to vote for the Bill in "another place." No doubt if they had a separate Parliament for Ireland they should have plenty of protective measures of this kind; but so long as they had a united Parliament and an honest system of Free Trade, they ought not to impose a false tariff upon an article which had become an article of general consumption.

THE LORD PRESIDENT OF THE COUNCIL (Viscount CRANBROOK) said, the sole point which the House had at the present moment to decide was as between the names "margarine" and "butterine." The noble Lord on the Cross Benches desired that this substance should be sold as butterine, but if as was stated it was incorrect to term it margarine, it was still more incorrect to call it butterine. To term it butterine would be giving a false credit to an article which was in no sense butter. They would find in the evidence that there were three kinds of butterine, and he thought the noble Earl would be very sorry himself to eat the third article. They talked of protecting dairy farmers, but this Bill would protect humble persons to a certain extent by enabling them to take samples for inspection of this compound article sold as butterine or butter. It would further insure that the substance was labelled margarine and not butter. In one instance a surgeon was called in to a family that were violently vomiting after having partaken of this butterine, which the surgeon described as cart-grease or an oleaginous mass.

THE DUKE OF ARGYLL: Sold as butterine?

VISCOUNT CRANBROOK: He did not say sold as butterine, but sold as butter.

LORD DENMAN said, he must express his regret that he could not vote for or against the Amendment.

EARL GRANVILLE said, that though this question did not involve the fate of the British Empire, it was important, and he desired to say a few words in support of the Amendment. If the Bill passed in its present form great injury would be inflicted on all those engaged in this trade. The noble Lord (Lord Houghton) said that no doubt after a time the thing would find its level, but that would not be until very considerable injury had been done to a large class whose trade was enormous. Everyone knew how difficult it was to introduce a new article into the market. Twelve years ago this article was introduced, and there was a great feeling against it, but that had been overcome, and its sale was now a very large one. The Bill in its present form would destroy this trade, and render it necessary for those engaged in it to make a new beginning, selling the old article under the new name of margarine. This would, at any rate for a time, be exceedingly difficult. No answer had been given to the question as to what would become of the substance called margarine, which was uneatable, while butterine was a wholesome and palatable article of food. Their Lordships should deal with this question in a judicial manner, but he did not think they did that upon the last occasion when the majority insisted upon the name margarine being retained, and left the discussion whether it should be retained or not for the Report stage, and that was recommended because it was not in Order for a noble Lord to make more than one speech. He thought that their Lordships should pause before they did this great injury to an important trade—or committed a grammatical error by adopting the term margarine, which was not descriptive of the article to which it was applied. Scientific evidence pronounced butterine to be an excellent article of food, and it was desirable even in the interests of dairy farmers that they should encourage rather than stop the trade. Indirectly it was an incentive to farmers to make good butter, by bringing butter into wholesome competition with this article. Those who produced good butter would not suffer any injury from the word butterine being used, but those would suffer who made bad butter, and a great deal of butter was made in the dirtiest and most unwholesome way. As to the fact that the House of Commons had passed the Bill in its present form, it was to be noted that the Bill passed through Committee in the House of Commons at 3 o'clock in the morning, and that the decision of the House of Commons in favour of the word "margarine" was in the teeth of the Report of the Select Committee.

LORD WANTAGE said, he thought the term which had been deliberately adopted after careful examination should be retained. The object of the Bill was to take care that there was no confusion in the minds of the people as to whether they were buying the real article or the imitation. This was the first time it had ever been proposed to compel people to adopt a particular name. The evidence showed that this term was totally inapplicable to the compound. His noble Friend who was in charge of the Bill had quoted the evidence of Sir Frederic Abel; but he had that morning read that evidence, and his conclusion from it was in direct opposition to that of his noble Friend. When he heard that the House of Commons had reversed the decision of their own Select Committee he turned with some interest to the Division List, and discovered in the majority no fewer than 30 names beginning with O, and he found that the reversal of the decision of the Select Committee was entirely due to the action of those Irish Members who took so keen an interest in English by-elections. That was an additional reason why he should vote for the Amendment; and he was anxious to show also, by voting in favour of the term "butterine," that he was not actuated by any desire unfairly to protect the interests of the dairy farmers.

Lord FITZGERALD said, he must protest against the argument of the 30 or 40 Irish Members as a most unconstitutional and unfair argument. He had received a circular couched in offensive terms and emanating from the Liberty and Property Defence League, with which the noble Earl on the Cross Benches was connected, in which that argument was used. The Irish Members were selected by their constituents to protect not only the interests of their country generally, but those of agriculture in particular, and it was no reproach to them that they had honestly exercised their privileges. No one had suggested what truer name could be given to this product than margarine. He declined to adopt the noble Lord's suggestion. It was necessary to protect the interests of the poor and to see that they were not misled into the belief that a substance which contained 60 per cent of margarine was butter. The dairy farmers sought no protection or advantage over the sellers of margarine, or what some would call butterine. But articles ought to be sold under distinctive names and in their true character, and all the evidence showed that for some years butterine had been sold and charged for as butter. The change of name would have no prejudicial effect on the sale of margarine or butterine, though the present exorbitant prices would probably be reduced. It was said that this substance was not deleterious, and scientific witnesses had deposed that if it was made of such and such constituents in a sound condition butterine was a wholesome food. But none of these witnesses said that they had tasted and tested the article sold. He believed it was generally injurious, and Canadian experience was in the same direction. There was an interesting discussion on the question in the Dominion Parliament at Ottawa, and it appeared that the Canadian Government had, in the first instance, imposed heavy duties on the importation of the article from the United States, and then, after the establishment of manufactories in Canada, felt obliged to put a stop to the trade altogether.

The Earl of ROSEBERY said, he would not stand long between the House and a Division on this extremely interesting question, which seemed to have racked this House to its foundation. He wished, however, to put one question. If he wanted to buy butterine after this Bill was passed, how was he to acquire the article? He supposed the noble Lord in charge of the Bill would reply that the proper word was margarine. What they were in vain attempting to impress on the House was that the word margarine was an absolutely false name for the article he would wish to acquire under these circumstances. There were already three qualities of margarine in existence that they knew; but how were they to distinguish this further article when it was added to this great generic name? He did not suppose that their Lordships were large consumers of this article. The working classes in Lancashire used it to a large extent. Let them put themselves in the position of the working man who sent his child to purchase some butterine. The child would naturally say to the dealer "Give me some butterine;" the dealer would purse up his lips and observe "You mean margarine;" and the child would reply, "I mean nothing of the kind; I mean butterine." He did not see how the required article was to be obtained unless the purchaser adopted the racing phraseology, and said, "I want margarine, late butterine." A dealer who was examined before the Committee stated that there was very little difference between the profit on butter and the profit on butterine. The noble and learned Lord and the noble Earl on the Cross Benches had laid great stress on the general consensus of European opinion in regard to this matter. That was an argument which he hardly expected to hear in their Lordships' House. A right hon. Friend of his in the other House was rather fond of appealing to the universal opinion of Europe, and he was always reproached by his opponents for doing so. A proper designation of this article might be found in the word "bova;" but he did not think they should embark upon the use of fancy names, or upon the fraud—for it was very little else—of deliberately fixing a wrong name to a particular article. For that reason he should give the Amendment of the noble Earl his hearty support.

LORD TRURO remarked that the lower and middle-class consumers of butterine took almost anything that the tradesmen gave them. They got credit, and unless they accepted the article which was offered them they had to go without any food whatever. He was ashamed to say that there was no country on the Continent where adulteration and petty frauds of this kind were carried on to anything like the extent that they were in this country.

On Question, "That ('Margarine') stand part of the Bill?"

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Colchester, L.
De L'Isle and Dudley, L.
Deramore, L.
Elphinstone, L.
FitzGerald, L. [*Teller.*]
Foxford, L. (*E. Limerick.*)
Hartismere, L. (*L. Henniker.*)
Hawke, L.
Kenlis, L. (*M. Headfort.*)
Kinnaird, L.
Macnaghten, L.
Ponsonby, L. (*E. Bessborough.*)
Sherborne, L.
Stanley of Alderley, L.
Stratheden and Campbell, L.
Tollemache, L.
Truro, L.
Ventry, L.

NOT-CONTENTS.

Granville, E.
Morley, E.

Bramwell, L.
Forbes, L.

Houghton, L.
Lingen, L.
Rosebery, L. (*E. Rosebery.*)
Sandhurst, L. [*Teller.*]

Saye and Sele, L.
Sundridge, L. (*D. Argyll.*)
Thring, L.

Wantage, L.
Watson, L.
Wemyss, L. (*E. Wemyss.*) [*Teller.*]

Resolved in the *affirmative.*

THE EARL OF WEMYSS said, he moved to strike out Clause 7, which provided that all imported margarine should be consigned as such, and that it should be lawful for customs officers and other public officials charged with the execution of the Sale of Foods and Drugs Act, 1875, to examine and take samples from any package and submit them to analysis.

THE LORD CHANCELLOR (Lord HALSBURY) said, the noble Earl had not put any Notice to that effect upon the Paper.

THE EARL OF WEMYSS said, that if it were not competent for him to move the rejection of the clause now, he would give Notice of his intention to do so on the third reading.

THE EARL OF CAMPERDOWN said, that although the noble Earl had not given Notice, he was not precluded by the Rules of the House from moving his Amendment.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY) said, he understood that the Standing Order of their Lordships' House not to allow Amendments to be moved without Notice applied to third readings only.

THE EARL OF WEMYSS said, that he was desirous of affording their Lordships time to consider the gravity of the principle involved in his Amendment, and should therefore postpone it till the third reading.

Amendments made: Bill to be read 3^{a} on *Monday* next; and to be *printed* as amended. (No. 215.)

SECRETARY FOR SCOTLAND ACT (1885) AMENDMENT BILL.—(No. 194.)

(*The Marquess of Lothian.*)

THIRD READING.

Order of the Day for the Third Reading read.

Moved, "That the Bill be now read 3^{a}."—(*The Marquess of Lothian.*)

THE EARL OF WEMYSS remarked, that his noble Friend (the Marquess of Lothian) had on the previous stage of the Bill referred to a letter he (the Earl of Wemyss) had written to a meeting of the Convention of Burghs, over which his noble Friend presided, when the agitation was at its height for the establishment of this new Office. That letter, according to the newspapers, was received with loud and prolonged hisses. What was the nature of that letter? In it he said he believed the proposed new Office was wholly unnecessary, and to that opinion he entirely adhered. When he said that he was not expressing merely his own individual opinion, but a view which was shared by men of the highest distinction—men who had filled the Office of Lord Advocate—and men of business. Having been for four years under Lord Aberdeen's Government, Scottish Lord of the Treasury, he had seen that if there were cordial working and unanimity between the Scottish Lord of the Treasury and the Lord Advocate, Scottish business could be done and admirably conducted without the creation of any Office of this kind. What had happened was that the Home Secretary had taken into his hands business that up to that time had been left in the hands of the Lord Advocate. He went so far as to say that during the period when this Scottish Secretary had no existence—when the business of Scotland was conducted by the Lord Advocate and by the Scottish Lord of the Treasury working together—the measures passed for Scotland would compare favourably with those that during that time were passed for England and Ireland, so that the creation of this Office was unnecessary, and rather a retrograde step than otherwise—rather a step in the direction of separation than one of cordial union. But the Government of the day had given in to the popular superstition or desire, and the result was that they had got a Secretary of State, so-called, for Scotland, and he did not believe business was done one bit better than before his appointment, while the country had to pay something like £10,000 a-year for the Scottish Office. He had taken this line, that there was not enough work for the Lord Advocate and the Secretary for Scotland too, and the result had justified that view For what was this Bill? It was a Bill to find work for the Secretary of State—to give him additional work. He hoped it would do so, for he had felt so much compassion for his noble Friend's position that he had offered to supply him with French novels. Now, by the passing of this Bill, he felt relieved from this undertaking.

THE SECRETARY FOR SCOTLAND (The Marquess of LOTHIAN) pointed out that the meeting to which the noble Lord had referred was not a meeting of the Convention of Royal Burghs, although that body had had a great deal to do with it, but a meeting representing all classes of the community. He did not think their Lordships would expect him at this time of day to go into any defence of the Office. The noble Lord's experience of the business of Scotland had been derived from his having acted for four years as Scottish Lord of the Treasury. He had no doubt that during that time Scottish business was arranged to the satisfaction of the noble Earl, and also to the satisfaction of the people of Scotland; and if the noble Earl could have been made Permanent Secretary for Scotland, the business would no doubt have been conducted in an equally satisfactory manner. That was not thought possible, and subsequent to the noble Earl's retirement from Office a state of matters arose that did not give satisfaction to the people of Scotland; and in obedience to a strong desire on the part of the Scottish people, and after full consideration by both Houses of Parliament, the Office of Secretary for Scotland was created. The noble Earl said the Office cost the country £10,000 a-year. Of course, such an Office could not be conducted without some expense; but he must point out that it did not involve an additional expense of £10,000. He thought he might fairly say the additional expense did not really exceed £7,000; and it appeared to him that if the affairs of Scotland could be conducted for so small a sum, there was not much reason to complain. The noble Earl had said the Secretary for Scotland had nothing to do; but that was not his experience. Since the noble Earl had so much experience, he should like to take an opportunity of offering him some work to do. He was quite sure it would be greatly to the advantage of Scotland, as well as that of the noble Earl, because it would let him know the amount of work that really had to be carried on in that Department.

Motion *agreed to;* Bill read 3ª accordingly, and *passed,* and sent to the Commons.

LICENSED PREMISES (EARLIER CLOSING) (SCOTLAND) BILL.—(No. 183.)

(*The Earl of Camperdown.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF CAMPERDOWN, in moving that the Bill be now read a second time, said, the object of it was to alter the hour of closing from 11 to 10. That was the whole effect of the measure. He asked their Lordships to remark that this Bill was not prepared for any portion of Scotland, but applied to the whole of that country, and in that respect dealt exactly alike with all legislation in regard to intoxicating liquors. In bringing forward this Bill, he was sensible of the difficulties surrounding the subject, and the great variety of opinion that existed in regard to any question of this kind. He had considered the matter contained in the Bill very carefully, and he felt certain that the majority of their Lordships, at all events, would be of the same opinion as himself in this matter—namely, that it was very desirable to deal cautiously and sensibly with questions relating to licensing. He did not himself retain any extreme opinion in regard to the licensing question, and he wished particularly to say that he had no feeling whatsoever against licensed victuallers, or against any of those who found their occupation in the sale of intoxicating liquors. On the contrary, he believed that the great mass of licensed victuallers and others engaged in the trade were as respectable and as desirous of maintaining order as any other class in the country. But, at the same time, they could not disguise from themselves the fact that this liquor question was attracting a very large amount of attention in the public mind, and their Lordships must keep themselves abreast of public opinion in this as in other matters. The best test he could find was in regard to what had happened in the other House of Parliament. When this measure was brought forward for second reading in the House of Commons a Motion of Adjournment was made, the object of which was, of course, to get rid of the Bill, and 31 Scottish Members voted for the Bill and only three against it, and in consequence the second reading was carried. After the Bill had been read a second time, there was a conference of Scottish Members, at which it was decided by general consent to proceed with the Bill; and when the Bill was brought on again, a Motion was made to exclude a certain number of large towns. That Motion was negatived by 125 votes to 73; and out of the number who voted, 42 Scottish Members were against the Motion, and only seven voted for it. Therefore, their Lordships would see that, so far as this measure was concerned, it had been supported by a very large majority of the Scottish Members of the other House of Parliament. After placing this Bill upon their Lordships' Table, he thought it his duty, and that it was a better course to consider the Bill carefully, and hear all that was to be said against it. He had had an opportunity to hear the objections that were urged by a variety of interests against the Bill, and he would endeavour, as far as he could consistently with the principle of the Bill, to devise some means of meeting those objections. Therefore he wished to say at once to his noble Friend (the Earl of Wemyss) — who, he understood, took exception to the measure—that he was perfectly ready, on going into Committee, to propose an arrangement which he thought was a very sensible and practical compromise, and which he should now describe to their Lordships. He proposed to take the hours of 10 and 11 named in the Bill, and to give the licensing authority in each district a discretionary power in dealing with the closing hour, so as to enable them to make any time between 10 and 11—not earlier than 10, and not later than 11—the closing time. One reason which had weighed with him a great deal in proposing this arrangement was that he thought there was a general agreement that when a measure was introduced, by whatever Government, dealing with the question of Local Government, a proposal would be made to transfer the licensing question to the Local Authorities. Well, when that came to be done, it would be perfectly easy to transfer the discretionary power which he proposed to give to the Local Authorities, to the new local governing bodies; and in any circumstances, he thought the effect of the Bill, altered in the way he had suggested, would only be to anticipate, by a few years at most, legislation which he thought was tolerably certain to meet with the approval of Parliament. There was another reason which he had had in his mind—namely, that an arrangement of this sort was actually the law from the year 1872 till the year 1875. Mr. Bruce's Act of 1872 gave discretionary powers to the Local Authorities, and in the year 1875 a change was made by the noble Lord opposite (Viscount Cross).

VISCOUNT CROSS: It was in 1874.

THE EARL OF CAMPERDOWN said, that the Act of 1874 defined hours for towns according to their population. He believed that great legal difficulty was experienced both in the passing of the Act and in its operation. What he proposed was to revert in this particular case to the arrangement which was sanctioned by the Act of 1872. If his noble Friend (the Earl of Wemyss) would allow the Bill to be read a second time on that understanding, he was perfectly prepared to take the course he had indicated.

Moved, "That the Bill be now read 2ª."—(*The Earl of Camperdown.*)

THE EARL OF WEMYSS said, he held very strong opinions upon these questions of licensing. He did not find fault with the principle that licences should be regulated. It was all very well to regulate a trade; but they might regulate it off the face of the earth. He was in favour of liberty which did not go to the length of local option and prohibition, the Maine Liquor Laws, and those sort of things, as he thought they were contrary to the spirit and genius of the Constitution; and, therefore, he was inclined to view with disfavour any measure that tended in that direction. Public-houses should, no doubt, be regulated in a reasonable way; but the persons who ought to be dealt with were the drunkards. Let them fine and take up the drunkards who were going about the streets, and fine, by taking their licences from them, those who manufactured drunkards by adulterating the drink they sold. This question of drunkenness and sobriety he held to be a mere matter of police. Every year the people of this country were becoming more and more sober. With regard to the Bill, he had to say that he was not prepared, on the part of those who took the same view as he did, to oppose the second reading of the Bill. He thought that the compromise suggested by the noble Earl was one that might not be unreasonable; but he could not now say whether those whom he represented would consider it as entirely satisfactory. When the matter was discussed some time ago by those interested in the question, the compromise that he put before them was a double one—it was that this discretionary power should be in the hands of the magistrates; but should only apply to towns in the country below a certain number of inhabitants. The view was that that might easily be provided for by leaving out the great towns with upwards of 50,000 inhabitants. There were only, he thought, eight large towns in Scotland with over 50,000 inhabitants; and he thought those ought to be exempt from the operation of the Bill. After the remarks of the noble Earl he would not oppose the Bill being read a second time.

THE SECRETARY OF STATE FOR INDIA (Viscount CROSS) said, he had no desire to offer any opposition to the second reading of the Bill; but he wished to point out that if the noble Earl would look at the Act of 1874 he would find the principle of the Act was that in the country towns all public-houses should be closed at 10 o'clock, and in populous places at a later hour. Great difficulty was felt under the Act before that as to the action of the magistrates in fixing what hour the public-houses should be closed, and it was thought better the large and populous places should be mapped out where the hour might be later. It was impossible, of course, to say what view they took of this Bill after what had fallen from the noble Earl, as it appeared that many changes were to be made in it; and, therefore, he would reserve what remarks he had to make until he saw what changes were proposed. But he must say he would be more inclined to adopt what had fallen from the noble Earl on the Cross Benches.

THE EARL OF MILLTOWN said, he greatly feared the Bill would tend, not so much to the suppression of excessive drinking, as the encouragement of what were called shebeens, which had been hitherto the universal result of restriction in this direction. He was told that in Glasgow since the introduction of the

Forbes Mackenzie Act these shebeens were counted by thousands, and what the police were about to allow them to continue he did not know; but before the Forbes Mackenzie Act they were unknown in Scotland. He thought it was most monstrous tyranny to say that in towns of over 20,000, but not reaching 50,000 inhabitants, no human being was to obtain refreshment after 10 o'clock at night. It was surely enough to say that people should conduct themselves with propriety, but to say that people going home from theatres or other places of entertainment were not to be able to obtain any refreshment after 10 o'clock was only another specimen of that modern legislation which interfered with everybody.

THE EARL OF CAMPERDOWN said, he might, perhaps, be allowed to say a word with regard to the question which had been alluded to by the noble Earl who had just spoken. He admitted that the question of shebeens was one of the difficulties which attended any measure connected with licensing; but that, after all, was merely a matter for the police. [The noble Earl was about to reply to the observations of the Earl of Wemyss, when he was reminded that he was not in Order, and he resumed his seat.]

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

COLONIAL GOVERNMENTS — NAVAL AND MILITARY OFFICERS ON THE ACTIVE AND RETIRED LISTS.

QUESTION.

LORD TRURO asked Her Majesty's Government, When effect is to be given to the decision of the Lords Commissioners of Her Majesty's Treasury, which was communicated by their Lordships to the War Office on the 19th November, 1886, with regard to naval and military officers on the active and retired lists serving under Colonial Governments?

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): The decision of the Treasury, as I understand, cannot be carried out without the preliminary sanction of the House of Commons. A Bill is before the other House which would have the effect of confirming that sanction. I will not prophesy as to the fate of the Bill; but if it passes the decision of the Treasury will be carried out.

LEGISLATION (IRELAND).—QUESTION.

EARL GRANVILLE: As to the Question I asked yesterday, it will be convenient if the noble Marquess will state whether it is the intention of the Government to introduce any fresh Bills relating to Ireland?

THE MARQUESS OF SALISBURY: I am afraid I can give no promise as to the proceedings of the other House of Parliament. The subject depends so entirely upon the progress of Business which is made in that House, and which is not within our control. At this stage of the Session we shall certainly not originate any fresh Irish Business in this House.

House adjourned at half past Seven o'clock, to Monday next, Twelve o'clock.

HOUSE OF COMMONS,

Friday, 5th August, 1887.

MINUTES.]—SELECT COMMITTEES—*Fifth Report*—Army and Navy Estimates [No. 259]. *Report*—Town Holdings [No. 260].

SUPPLY—*considered in Committee*—*Resolutions* [August 4] *reported.*

PUBLIC BILLS — *Ordered* — *First Reading* — Technical Schools (Scotland) * [358].

First Reading — Copyhold Enfranchisement * [359].

Second Reading—Referred to Select Committee— Metropolitan Police * [321].

Select Committees—Municipal Regulation (Constabulary, &c.) (Belfast) * [291], *nominated;* Bankruptcy Courts (Ireland) * [124], *nominated.*

Considered as amended—Irish Land Law [355], *debate adjourned.*

Considered as amended—Third Reading—Trustee Savings Banks * [334]; Settled Land Act (1882) Amendment * [339]; Stannaries Act (1869) Amendment * [342], and *passed.*

QUESTIONS.

IRISH LAND LAW BILL — TRINITY COLLEGE LEASES.

MR. BLANE (Armagh, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether tenants holding leases renewable for ever under middlemen to Trinity College, Dublin, can have their rents adjusted by the Irish Land Law Bill when passed, and if such tenants be debarred, as they would seem to be by a recent decision which held them to be perpetuity leaseholders, would the Government amend it for the benefit of those poor people; and, in case of those Trinity College middlemen who have not given leases to their tenants, but would hold them to specific performance by a promise to take out lease after the passage of the 14 & 15 *Vict.* c. 28, s. 29, would the Government take care that such tenants should not be deprived of the benefits of the Land Act by the action of Trinity College or their middlemen?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: Persons holding under perpetuity leases could not apply for a fair rent any more than other leaseholders. The Bill now before Parliament does not apply to leases in perpetuity. Where a lease has not been given, but the tenant can be compelled to take one, he is in the same position as if he had a lease in fact.

POST OFFICE—POSTAGE OF UNSEALED ENVELOPES.

Mr. H. GARDNER (Essex, Saffron Walden) asked the Postmaster General, Whether printed circulars in unsealed envelopes, with a halfpenny stamp, from the Continent, are passed unchallenged by the Post Office; whether similar circulars in similar envelopes posted in England are charged 1*d.*; and, whether, if this be the case, he will cause such changes in the postal arrangements as shall place the British trader on an equality with the foreigner in this important manner of advertising?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): I understand that the facts are as indicated in the first two Questions of the hon. Member. Printed circulars in unsealed envelopes from the Continent are admitted into this country with a halfpenny stamp, in consequence of the provisions of the Postal Union which make this course obligatory. The question of allowing a similar practice in this country was fully considered by my Predecessors, Lord Wolverton and Mr. Fawcett, who were advised that, in the eye of the law, an unclosed envelope having anything in it is, to all intents and purposes, a letter.

RESTRAINTS ON TRADE — MINERAL WATER BOTTLE EXCHANGE SOCIETY.

Mr. BRADLAUGH (Northampton) asked the Secretary of State for the Home Department, Whether he is aware that it was on 8th July proved, in the Chancery Division of the High Court of Justice, before Mr. Justice Chitty, that by the Articles of Association of the Mineral Water Bottle Exchange Society, with 179 members as manufacturers, the employers agree not to re-engage for two years any servant who has left the employment of any member except with the consent of the late employer; whether he is aware that, at the present time, there are more than 40 persons in London suffering under this rule, and therefore unable to earn their livelihood in the mineral water bottle trade; and, whether the Government can take any steps to put an end to this agreement among the masters?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): I have ascertained that the Articles of Association do contain the provision pointed out by the hon. Member in his Question; but I may observe that, according to a report of the proceedings before Mr. Justice Chitty, I find it was held that the rule in question was an unreasonable restraint on trade, and that a motion to enforce it was refused with costs. The case is now pending before the Court of Appeal. I have no information as to the number of persons in London now suffering from the operation of the rule. But in the event of the judgment of the learned Judge being affirmed by the Court of Appeal the agreement in question will be wholly inoperative, and I hope that the hardship which it may have occasioned may disappear.

THE MAGISTRACY (IRELAND)—MR. J. E. BARRETT, J.P., CO. CORK.

Mr. GILHOOLY (Cork, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has communicated with the Lord Chancellor in reference to the charges against Mr. J. E. Barrett, J.P., County Cork; and, if so, with what result?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: As I have already stated to the House, the case in which this matter arises is still *sub judice;* and the Irish Government have not yet communicated with the Lord Chancellor on the matter.

MR. SEXTON (Belfast, W.): As this alleged misconduct occurred five years ago, and as it alleges against Mr. Barrett first fraud upon the Treasury, and then fraud upon the tenant, I would ask whether the Irish Government will, at least pending the decision in the case, cause Mr. Barrett to desist from adjudicating?

COLONEL KING-HARMAN: This is a matter which is before the legal tribunals; and until they have arrived at a decision it is impossible to pronounce any sentence on a question like this.

MR. SEXTON: Do we understand that in a case where perjury and fraud are alleged against a magistrate the Lord Chancellor declines to take any action until any legal proceedings connected with the matter have been disposed of?

COLONEL KING-HARMAN said, it was a maxim of the English law that a man should be presumed innocent until found guilty.

SEA FISHERIES (IRELAND)—SUNKEN ANCHORS IN BANTRY BAY.

MR. GILHOOLY (Cork, W.) asked the Secretary to the Board of Trade, Whether, considering the fact that his Predecessor in Office promised to give a liberal reward to any local fishermen who would raise the sunken anchors which are an impediment to the fishing industry in Bantry Bay, he will state the amount that will be given for such services?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): Fifty per cent on the value realized, if the anchors are delivered to the Receiver of Wreck, and are not claimed by owners.

DR. TANNER (Cork Co., Mid) asked, would not something be done to save the trouble and loss which was caused to these fishermen by their nets being damaged on account of these obstructions?

BARON HENRY DE WORMS: I have already stated that a reward of 50 per cent will be paid for all the anchors recovered.

MR. EDWARD HARRINGTON (Kerry, W.) suggested that when the Fleet was in Bantry Bay these anchors might easily be recovered by way of experiment.

COMMISSIONERS OF SUPPLY, ORKNEY —INSPECTION OF ACCOUNTS.

MR. LYELL (Orkney and Shetland) asked the Lord Advocate, Whether he is aware that the clerk to the Commissioners of Supply of Orkney has refused to allow a ratepayer, the Reverend John Jamieson, to inspect the public accounts of the county, and especially the account of expenses incurred in the prosecution of the Reverend Mathew Armour, Free Church Minister, Sanday, last year; and, whether the ratepayers of the County of Orkney have not the right to examine the accounts of the Commissioners of Supply when application has been made?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): The Rev. Mr. Jamieson is not a ratepayer chargeable with the general county assessment administered by the Commissioners of Supply. Accordingly, the clerk to the Commissioners was instructed to decline to allow him to inspect the accounts.

ARMY CONTRACTS — CONTRACT FOR 150,000 SWORD BAYONETS.

MR. POWELL-WILLIAMS (Birmingham, S.) asked the Secretary of State for War, Whether an order for 150,000 bayonets has recently been placed with Messrs. Wilkinson and Co.; if so, whether that firm have hitherto had any experience in the manufacture of such weapons; whether the time for the delivery of the first instalment of the contract extends into the early part of next year; whether other competing firms were prepared to deliver such instalment at a much earlier date; and, whether a lower tender than that of Messrs. Wilkinson was not received? The hon. Member added another Question—Whether these bayonets would fit the new weapon which it was understood was about to be issued?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): An order for sword bayonets has recently been placed with Messrs. Wilkinson, the well-known sword makers; but they have not previously made sword bayonets of this pattern.

The time for delivery of the first instalment does extend into next year. Offers were made to deliver at an earlier date and at lower prices; but only one came from an English firm, which has had no experience of sword-making. Others came from German firms; but I decided that preference ought to be given to British manufacturers. With regard to whether these bayonets will fit the new rifle, which I hope will soon be decided upon, in any case all these bayonets will be required for the rifles we have at present.

MR. POWELL-WILLIAMS: Is the right hon. Gentleman aware that Messrs. Wilkinson are not themselves manufacturers either of bayonets or swords?

MR. E. STANHOPE: Messrs. Wilkinson are very eminent sword-makers.

MR. PULESTON asked whether the right hon. Gentleman had yet received any Report as to the merits of the Lee and Lee Burton rifles, part of which had been published in *The Times?*

MR. E. STANHOPE said, that he had received the Report, but had not yet had time fully to consider it.

WAR OFFICE—6TH BRIGADE, SOUTH WEST DIVISION OF ARTILLERY.

DR. TANNER (Cork Co., Mid) asked the Secretary of State for War, If it is a fact that the 6th Brigade, South West Division of Artillery, called out for preliminary training at Waterford last Easter, under the command of Major Cuffe, mustered only eight recruits at commencement and major portion of training; and, whether the staff in attendance at the said training numbered 16 staff sergeants, one regimental cook and assistant, and eight battery cooks?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): The number of recruits at first was 15, which increased to 45 by the end of the preliminary training. The staff referred to is the permanent staff of the regiment. The number in training of all ranks last year was 355.

PUBLIC FOOT AND BRIDLE WAYS—CLAYBURY PARK AND BARKING SIDE.

MR. CHANNING (Northampton, E.) asked the Secretary of State for the Home Department, Whether his attention has been called to the proposed closing, by the Middlesex magistrates, of two foot and bridle paths in Claybury Park, near Woodford Bridge, which afford the nearest way between Woodford Bridge and Barking Side; whether the Middlesex magistrates have bought Claybury Park for the erection of a large pauper lunatic asylum, and also a private asylum for paying patients; whether it is a fact that ample grounds could be reserved for the private asylum without interfering with either of the paths referred to; whether the agent of the magistrates called, with insufficient notice, a meeting on 2nd June at Woodford Bridge, to which only a favoured few were admitted; whether, at a full meeting of inhabitants of Woodford and Barking Side parishes, the parishes chiefly interested, on the 16th of June, the proposal to close or divert the paths was unanimously refused; whether an attempt was made in 1864 to close these paths, and at that time the jury in the case gave their verdict that the "paths were necessary;" and, whether, having regard to the circumstances, he will represent to the magistrates the desirability of so modifying their plans as to Claybury Park, as not to close or divert these ancient rights of way?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I have had a Report from the Clerk of the Peace for Middlesex, from which I collect that there is through the property purchased by the magistrates one path which is a bridlepath and footpath combined, except for a short distance, where the bridlepath and footpath are divided. The magistrates have bought the property for the purpose of a pauper lunatic asylum for 2,000 patients, and of an asylum for paying patients. The path in question intersects the property for a length of 40 chains. For the security of the patients and of the public it will be necessary either to fence in the path on both sides or to divert it. The magistrates have thought it best to take the necessary steps for diverting the path and substituting for it a good road, which will be more convenient to the public. The necessary consents from the Local Authorities have been obtained. The Clerk of the Peace is not aware of the meeting of the 2nd of June. If the inhabitants are aggrieved they have means given them under the Highway Acts of appealing from the order diverting the path. I have no power to interfere with the discretion of magistrates in such a matter.

ROYAL IRISH CONSTABULARY—DISCHARGE OF CONSTABLE AUSTIN.

Dr. TANNER (Cork Co., Mid) asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is a fact that Constable Austin, of the Royal Irish Constabulary, lately stationed at Coolykerane and Ballyvourney, has been discharged from that Force; whether his wife, Abina Austin, was the girl upon whom it was alleged the aggravated assault was made by Moonlighters; whether his attention has been called to a letter written by Austin to *The Cork Daily Herald*, 30th July, stating that he was discharged from the Constabulary because he refused to force his wife to give false evidence against three respectable young men who were arrested at the instance of District Inspector Hill and charged with moonlighting on the occasion referred to; whether Austin has also stated—

> "That the officer, District Inspector Hill, and the Head Constable went to a field away from the house where the outrage was stated to have taken place in order to frighten the girl and make her swear what they liked,"

and that, in order to get rid of Austin, the authorities offered to recommend him for the Liverpool Force; and, whether a full inquiry will be made into the truth of these allegations?

LAW AND POLICE (IRELAND)—ABINA AUSTIN.

Dr. TANNER (Cork Co., Mid): I also beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been directed to a letter, signed Abina Austin, to *The Cork Daily Herald* of the 30th ultimo; whether Abina Austin was the same person for a moonlighting outrage upon whom three young men were arrested near Coolykerane, Millstreet, County Cork; whether it is correct, as stated by her—

> "That after she had declared that she did not know any of her assailants, District Inspector Hill went and visited her a second time, and endeavoured to induce her to give evidence against these men after their arrest;"

what were the inducements offered; and, whether an inquiry will be made into these allegations?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: Constable Austin has been discharged from the Royal Irish Constabulary. His wife is the same person who was assaulted by Moonlighters, who cut off her hair, and then poured tar over her head and neck. Austin was discharged for marrying without leave, he not having served seven years in the Force, and having, therefore, failed to fulfil the marriage conditions. Ten well-known bad characters were arrested on information supplied at the time by the girl. It is not the case that District Inspector Hill and the Head Constable tried to frighten the girl and to make her swear what they liked. In the course of his inquiries into the outrage the District Inspector saw her and all the members of her family on several occasions, and on one occasion he spoke to her in a field near her house. The Inspector General of Constabulary very much regretted that he had to discharge Austin; but he was obliged to do so to maintain a rule which is absolutely necessary for the efficiency of the Force. The constable was a promising and well-conducted man; and for this reason the Inspector General suggested to the County Inspector that he should endeavour to obtain his appointment to the Liverpool Police.

Dr. TANNER: Might I ask the right hon. and gallant Gentleman, on how many occasions did this District Inspector Hill interview the girl; and what were the inducements which she states in her letter to *The Cork Herald* he offered in order to bring about perjury, so that he could convict these men?

Mr. SPEAKER: Order, order!

Dr. TANNER: If I do not get an answer I must put it again.

Colonel KING-HARMAN: I am not aware that she stated any inducements were offered to her to give evidence, and certainly not to commit perjury.

Dr. TANNER: Have you seen the letters in *The Herald*.

Colonel KING-HARMAN: No, Sir; certainly not. I do not read *The Cork Daily Herald*.

Dr. TANNER: I shall give the right hon. and gallant Gentleman a copy of *The Herald*, with these two letters purporting to come from these two people; and then, perhaps, the right hon. and gallant Gentleman will see if he can give me a satisfactory answer to the Question.

EGYPT—RETURN OF ZEBEHR PASHA.

SIR ROBERT FOWLER (London) asked the Under Secretary of State for Foreign Affairs, Whether it is the fact that Her Majesty's Government contemplate allowing Zebehr Pasha to return to Egypt; and, if so, whether any precautions will be taken to prevent his going to the Soudan?

MR. DILLON (Mayo, E.) asked, whether it was true that Zebehr Pasha had been made to sign a paper before he was released; and, if so, by what authority, and under what law, these conditions were imposed?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): It has been decided to allow Zebehr Pasha to return to Egypt. He has signed an engagement to remain in the place which shall be chosen by the Egyptian Government, to place himself under its surveillance, and to abstain from interference in political or military questions relating to the Soudan or otherwise. These conditions had been imposed by the Government of Egypt; and if the hon. Member for East Mayo (Mr. Dillon) requires any further information it would be better that he should put a Question on the Paper.

EXTRAORDINARY TITHE ACT, 1886—ACREAGE OF HOP CULTIVATION.

MR. NORTON (Kent, Tunbridge) asked the Secretary of State for the Home Department, If the Government will publish, as soon as possible, the acreage of land now under cultivation for hops, as recently ascertained by the Land Commissioners under the provisions of the Extraordinary Tithe Act of 1886?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): As the survey and computation of areas is proceeding, but cannot be completed for some time to come, the Land Commissioners are not at present in a position to state the acreage of land under cultivation for hops. I presume there will be no objection to publish the information as soon as it is obtained.

LAW AND JUSTICE (IRELAND)—CORPORATION OF DUBLIN—COSTS OF PROSECUTIONS.

MR. MURPHY (Dublin, St. Patrick's) asked the Secretary to the Treasury, Whether the Corporation of Dublin have to pay in the first instance, on the order of the Clerk of the Peace, to any prosecutor or other person named in the order, such costs as the Judge or Recorder might award in cases of felony tried in Dublin; whether the Treasury in 1859 undertook to repay the costs of those prosecutions, and did they, in fact, do so down to 1885; if in that year, and frequently since, considerable portions of the costs awarded by the Judges and paid by the Corporation have been disallowed by the Treasury as being in excess of the "Treasury scale," although the Courts do not recognize this scale; were some of the prosecutions, in respect of which disallowances have been made, against fraudulent bankrupts from other parts of Ireland; by what authority, statutable or otherwise, do the Treasury prescribe their scale of costs, or apply it to those repayments; and, will the Treasury simplify this matter in future by paying the costs direct to the person named in the Judge's order, or will they at least refund the full amounts paid by the Corporation?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): I think, Sir, this information will have to be obtained from the Irish Office; and I must, therefore, ask the hon. Gentleman to postpone it.

Subsequently,

MR. MURPHY said, he must respectfully ask the Secretary to the Treasury when he could give him an answer to the Question, because he had already postponed a similar Question about a fortnight ago.

THE PARLIAMENTARY UNDER SECRETARY FOR IRELAND (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the Government had sent for information to the Irish Office, and they hoped to be in a position to answer the Question on Monday next.

CRIMINAL LAW AND PROCEDURE (IRELAND) ACT, 1887—PROCLAMATION OF 18 COUNTIES.

MR. SEXTON (Belfast, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, What circumstances, in the condition of Ireland the Government rely upon in support of their proclamation of 18 Irish counties, under the provisions of Sections 1, 2, 3, and 4 of the Criminal Law and Procedure (Ireland) Act; whether any intimidation, relating to boycotting, police protection, or otherwise, alleged to exist in those counties, can be dealt with by Courts of Stipendiary Magistrates under Section 2 of the Act; whether the Government assert the existence, in any of those 18 counties, of such a degree of crime as calls for the enforcement of exceptional law; and, what evidence the Government offer, out of the records of the Summer Assizes, that, in any of those 18 counties, proof of crime is so withheld, or common juries have so failed in the vindication of justice as to render necessary the application of provisions for the establishment of Courts of Private Inquiry, and for the empannelling of special juries, and the removal of criminal trials, at the will of the Attorney General, to any other part of Ireland?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): Sir, I have already given, in answer to various Questions, a general account of the circumstances which, in the opinion of the Government, justify the proclamation of 18 counties under the first four sections of the Crimes Act. According to the promise I made to the hon. Member, I am having prepared a Return which will give him further details of the facts relating to these offences, and which he is desirous to have. He asks me in second paragraph—

> "Whether any intimidation, relating to Boycotting, police protection, or otherwise, alleged to exist in those counties, can be dealt with under Section 2 of the Act?"

I am in great hopes that Section 2 of the Act will prove very efficacious against this particular class of offences; but the Government thought that the other provisions of the Act might also be useful for the object; and, therefore, we have not contented ourselves with proclaiming the counties under Section 2, but also the other sections referred to. The hon. Gentleman asks me—

> "Whether the Government assert the existence, in any of those 18 counties, of such a degree of crime as calls for the enforcement of exceptional law?"

Mr. Sexton

If by the word "crime" the hon. Gentleman includes, as I presume he does, intimidation——

MR. SEXTON: I mean crime as distinguished from intimidation.

MR. A. J. BALFOUR: It varies very much in these counties. In some of them, if you take crime only apart from intimidation, there might not be necessity for the application of these subheads of the Act to the whole of Ireland. The hon. Gentleman asks me—

> "What evidence the Government offer, out of the record of the Summer Assizes, that, in any of those 18 counties, proof of crime is so withheld or common juries have so failed in the vindication of justice as to render necessary the application of provisions for the establishment of Courts of Private Inquiry, and for the empannelling of special juries."

I may say generally, in answer to the Question, that the intimidation which, as I have stated, we believe to exist in these counties is of itself sufficient ground to give the power of change of venue; but there were also specific cases of the failure of justice in several counties, as the hon. Gentleman was probably aware.

MR. SEXTON: I think it is very important we should have before us specific details; and I would ask the right hon. Gentleman whether he will lay before the House specific details, occurring at the Summer Assizes, in which justice has not been vindicated, either because of the paucity of evidence or the unwillingness of juries to perform their duties? I would also ask the right hon. Gentleman, whether the application to so many counties in Ireland of the provisions of the change of venue and the empannelling of special juries may be regarded as due to the apprehension in the mind of the Government that juries may not be trusted? I would also ask, what grounds the Government have for thinking that Section 2 of the Act, under which parties guilty of intimidation may be sentenced to six months' imprisonment, will not be sufficient to meet the case of such offences; and, finally, I would ask what day we may expect to have before us the Return showing the number of parties Boycotted and under police protection?

MR. A. J. BALFOUR: There have been some cases of failure of justice at the recent Summer Assizes in some of these counties. If the hon. Gentleman will put a Question down on the Paper I will give him some cases next week. I do not think it is a subject for a Return.

Mr. SEXTON: The right hon. Gentleman has not answered one portion of my Question. I asked him, did the Government not think that the powers under the 2nd section were sufficient?

Mr. A. J. BALFOUR: I rely greatly on the 2nd section; but where intimidation prevails in any district you can have no security whatever that witnesses would come forward, or juries do their duty, and we are bound to take such powers as are necessary for the change of venue should we find intimidation.

Mr. SEXTON pointed out that under this 2nd section the Government had summary power of imposing six months' imprisonment without having any juries at all.

Mr. A. J. BALFOUR: A good many of them would not be adequately punished by six months' imprisonment —murder, for example, or a serious outrage on the person, would not be adequately punished by six months' imprisonment, and in that case the offence would have to be tried before a jury.

Mr. SEXTON: What day shall we have the Return?

Mr. A. J. BALFOUR: It is being prepared in Dublin, and it will be laid before the House as soon as possible. A good many of the facts the hon. Gentleman asks for will be laid before the House in the ordinary course.

CIVIL SERVICE REGULATIONS— WRITERS' HOLIDAYS.

Mr. GILHOOLY (Cork, W.) asked the Secretary to the Treasury, Whether it is a fact that, according to the Civil Service Regulations, 12 days' leave of absence with pay are annually allowed to Civil Service writers; whether it has been the practice of the Civil Service Commissioners, where holidays have not been taken by writers at the termination of certain periods of employment, to compensate them by payments in respect of such holidays; whether Mr. J. C. Woods, lately employed in the Public Record Office, Ireland, had before his resignation completed a year within which he has had no holidays; whether, on Mr. Woods' application to the Civil Service Commissioners for payment for the holidays due but not taken by him, he was refused on the technical ground—

> "That the payment of his gratuity terminated his connection with the service;"

and, whether he will move the Civil Service Commissioners to reconsider their decision in this case, and have payment made to Mr. Woods of the money which seems to belong to him?

The SECRETARY (Mr. Jackson) (Leeds, N.): Under the Regulations as to copyists the Civil Service Commissioners may allow holidays with pay to copyists who are not serving in any other Department; but they do not compensate copyists by payments in respect of holidays not taken. Mr. Woods applied for a gratuity, under the Treasury Minute of December last, on the termination of his services as a copyist; it was paid to him on the 1st of July. He did not apply for pay in respect of holidays not taken till July 3. There was no precedent for complying with such a request, and the Civil Service Commissioners rightly declined it.

CRIMINAL LAW AND PROCEDURE (IRELAND) ACT, 1887—PROCLAMATION OF "DANGEROUS ASSOCIATIONS."

Mr. E. ROBERTSON (Dundee) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Government has arrived at any determination with respect to putting in force the clauses relating to "Dangerous Associations" in "The Criminal Law and Procedure (Ireland) Act, 1887?"

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): I have no information to give to the House on the subject. As the hon. Gentleman is aware, it is impossible for the Executive to take any action in this matter without Parliament being made cognizant of it.

Mr. E. ROBERTSON: When does the right hon. Gentleman expect to be able to communicate this information to the House?

Mr. A. J. BALFOUR: Information will be laid before the House as a statutory necessity if anything is done. The House must be made cognizant of any Proclamation under the Act.

Mr. E. ROBERTSON: I am perfectly well aware of that; but what I want to know is, when does the right hon. Gentleman expect to make any communication on the subject?

Mr. A. J. BALFOUR: I should in no case expect to make any communication to the House, as that is provided for by the Statute.

RAILWAY PASSENGER DUTY—VOLK'S ELECTRIC RAILWAY IN BRIGHTON.

Mr. PICTON (Leicester) asked Mr. Chancellor of the Exchequer, Whether Volk's Electric Railway in Brighton, carrying passengers over a distance of one mile, from the Aquarium to Kemp Town, is assessed to the Railway Passenger Duty; and, if not, whether it is the use of electric power, or the smallness of the gauge, or the shortness of the distance travelled, that forms the ground of exemption?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): Volk's Electric Railway is not assessed to Railway Passenger Duty, the ground of exemption being that it runs upon a public way, and not on private property. Carriage Licence Duty, however, is paid in respect of the cars used by the Company.

IRISH LAND LAW BILL—CLAUSE 4.

Mr. J. E. ELLIS (Nottingham, Rushcliffe) asked the Chief Secretary to the Lord Lieutenant of Ireland, In what manner he proposes to carry out the undertaking given in Committee on the Irish Land Law Bill, that quarterly Returns of notices issued under Clause 4 shall be laid before Parliament?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.), in reply, said, he had promised to deal with this question on Report. He had put down Amendments on the Paper showing the method in which the Government proposed to do this work.

SAVING LIFE AT SEA—REPORT OF THE COMMITTEE.

Mr. PULESTON (Devonport) asked the Secretary to the Board of Trade, Whether, having regard to the unanimous Report of the Committee for Saving Life at Sea, the Government can introduce now a short Bill embodying the principal recommendations of said Report, or give facilities for the enactment of the Shipwreck Bill already introduced?

The SECRETARY (Baron Henry De Worms) (Liverpool, East Toxteth): The Board of Trade have not yet received a copy of the Report of the Committee referred to by the hon. Member. Any recommendations which they may make shall receive careful attention. I do not apprehend it will be practicable to undertake any legislation during the present Session; but on that point, and also with regard to facilities for the discussion of the Shipwreck Bill, I must refer the hon. Member to my right hon. Friend the Leader of the House.

POST OFFICE (IRELAND)—TELEGRAPHIC COMMUNICATION WITH URLINGFORD, CO. KILKENNY.

Mr. MARUM (Kilkenny, N.) asked the Postmaster General, When he will be in a position to give a favourable response to the Memorial addressed to him some time past by the inhabitants of the town of Urlingford, in the County of Kilkenny, requesting direct telegraphic communication as therein, and for the reasons therein set forth?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): In October, 1885, my Predecessor considered the question of opening a telegraph office at Urlingford; and, after full inquiries, caused the Memorialists to be informed through the hon. Member that, as it was estimated that the revenue of the office would apparently fall very far short of the working expenses, it was out of his power to establish the office, unless a guarantee was forthcoming. The amount of the guarantee was fixed at £43 per annum for seven years.

STATE OF IRELAND—CIRCULAR TO DIVISIONAL MAGISTRATES.

Mr. P. O'BRIEN (Monaghan, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true, as stated in *United Ireland* of the 4th instant, that a Circular Letter has been addressed from Dublin Castle to the Divisional Magistrates throughout Ireland, which asks for—

> "Information concerning any particular portion of a sub-district which may be more disturbed, or in a more disaffected state than the rest, or in which there may be more marked improvement; any serious outrage deserving of special mention; evictions or other matters bearing upon the relations of landlord and tenant, and their bearing upon outrages and disturbances; boycotting and intimidation, National League, Labour League, or any organization for agitation;"

whether he will state the object of the Government in collecting this information; whether it is intended to place these Returns, when completed, upon the Table of the House; and, whether he has any objection, meantime, to state the information, under the several heads of this Circular, furnished by the magistrates responsible for the County of Monaghan?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): I do not think it would be consistent with public policy to give an answer to any Question about what is reported to be a revelation of something alleged to be a confidential document issued to the police.

MR. SEXTON (Belfast, W.) asked, if the results of these inquiries were to be reported to those Resident Magistrates who had power to hold a secret Court of Inquiry and Court of Summary Jurisdiction, and who might thus have to sit on cases about which they had already received Reports?

MR. A. J. BALFOUR said, the Executive would take no action whatever which could by any possibility leave ground to think that Resident Magistrates would so act.

MR. SEXTON: May we understand that the Executive in Ireland will not induce any magistrate to commit himself by a Report to the Government on any matters in regard to which he may have to act judicially?

MR. EDWARD HARRINGTON (Kerry, W.) asked, would the Resident Magistrates be sent from one district to another, in order that they might get information beforehand regarding the characters of persons they had to try.

MR. A. J. BALFOUR: The Resident Magistrates are never required to give Reports of cases which they have to try.

An hon. MEMBER: Will they receive Reports about these persons?

MR. A. J. BALFOUR: They never get any Report.

RAILWAYS (ENGLAND AND WALES)—STRIKE OF ENGINE DRIVERS, &c. ON THE MIDLAND RAILWAY.

MR. P. O'BRIEN (Monaghan, N.) asked the Secretary to the Board of Trade, Whether his attention has been called to the advertisement of the Midland Railway Company for engine drivers and firemen to fill the places of their men, who threaten to strike in consequence of a pending wage dispute; whether it is a recognised rule among Railway Companies to require their engine drivers to spend a sufficient time on the road as firemen, under competent engine drivers, in order that they should be thoroughly acquainted with the signals, junctions, crossings, &c., before they are allowed to take charge of a locomotive; whether a similar probation is required in the case of firemen; whether the Board of Trade exercises any control over public carrying Companies in such matters as the selection of servants charged with such serious responsibility as the safety of the lives of the public; and, if so, whether he will take steps to see that no danger may result to the public who may require to travel by the Midland Railway, from being placed in the hands of engine drivers and firemen hastily drawn from other railways, and consequently unacquainted with the signals and crossings of the Midland road?

MR. LAWSON (St. Pancras, W.) also asked, whether the hon. Gentleman was aware that it was reported that at a meeting of the engine drivers and firemen of the Midland Railway Company it was stated that the Company were now taking on men who were incompetent and physically disqualified for performing the duties entrusted to them; and, whether he would take such steps as would adequately ensure the safety of the travelling public?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): In answer to the Question of the hon. Member for West St. Pancras, I have to say that I have not received any information of the nature which he has described; but I venture to hope and believe that the Railway Company will not entrust important duties to persons who are not fully able to discharge them. But, perhaps, if I answer the first Question put to me, it may give some of the information which is desired. The working of the traffic on railways is entirely in the hands of the Companies, and the Board of Trade have no power to interfere in such matters as the selection of servants. They have, therefore, no legal authority to take any such step as is suggested by the hon. Member. The Board of Trade have, however, addressed a letter to the Midland Company expressing a hope that every precaution has been taken for the safety of the travelling public.

MR. ARTHUR O'CONNOR (Donegal, E.) inquired whether it was within the competence of the Board of Trade to interfere with a Railway Company in a case where a Director, anxious to obtain for his footman the post of station master—to obtain which it was necessary that he should qualify as a guard—got him appointed as guard, without any previous experience, in order to qualify him for the post?

BARON HENRY DE WORMS: I do not think that the Board of Trade would have any power to interfere in such a case, which I understand to be purely hypothetical.

MR. ARTHUR O'CONNOR: It is a fact.

MR. P. O'BRIEN asked whether, in case of an accident resulting to these trains, the Government would have power to investigate it; and if they had, would it not be better to prevent an accident than to inquire into it after it had occurred?

BARON HENRY DE WORMS: I have already stated that the Board of Trade has no power to interfere with the appointment or the discharge of their servants by Railway Companies. Its only control consists in seeing that the line is constructed according to the Regulations laid down by the Board of Trade.

POST OFFICE (TELEGRAPH DEPARTMENT)—CLERKS AT THE CENTRAL TELEGRAPH OFFICE.

MR. M'CARTAN (Down, S.) asked the Postmaster General, Whether he is aware that every class of telegraph clerks employed at the Central Telegraph Office, except the second and lowest-paid class, have received considerable benefit under the Fawcett Scheme; whether the superintendents and assistant superintendents have had their maximum salaries increased on two occasions since 1881; whether, owing to the additional work imposed upon them by the introduction of the 6*d*. tariff, a further increase was under consideration; whether he can state if the clerks eligible for promotion into the first class have longer service now than those who were previously promoted to the first class had when they were promoted; whether a margin to meet future requirements exists with regard to the senior class; and, whether, considering the treatment recently given to the Dublin clerks, he will see that the London clerks are similarly treated with regard to promotion to the vacancies in the higher class?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): In reply to the hon. Member, I have to state that under the Fawcett Scheme alluded to the second class of telegraph clerks at the Central Telegraph Office receive equal benefit with the class above it. The scales of the superintendents and the assistant superintendents have not been raised on two occasions since 1881, and no further increase of scale is in contemplation over that given this year. The clerks highest on the second class have not longer service than those last promoted to the first class had at the time of their promotion. The class of senior clerks is now full. As I stated on Monday, in reply to the hon. Member, the practice in London is somewhat different from that in Dublin, and it is not intended to fill all the places on the first class at once.

CRIMINAL LAW AND PROCEDURE (IRELAND) ACT, 1887.—PROCLAMATIONS.

MR. J. E. ELLIS (Nottingham, Rushcliffe) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he will cause to be circulated a statement of any further Proclamations under "The Criminal Law and Procedure (Ireland) Act, 1887," similar to that ordered to be printed 29th July, 1887?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): Of course, if any further Proclamations are issued, I shall be glad to give any information.

MR. J. E. ELLIS: My Question is, whether we shall have circulated a similar form of Return?

MR. A. J. BALFOUR: I shall have on objection. I suppose if any further counties are proclaimed under Sections 1, 2, 3, and 4, the same information will be given to the House as I have promised to give of these Proclamations.

MR. SEXTON (Belfast, W.): How will the right hon. Gentleman give a Return of any further Proclamations under the first four sections of the Act, seeing that he has proclaimed all the counties in Ireland under them already?

[No reply.]

POST OFFICE (IRELAND)—TELEGRAPH OFFICE AT SMITHBOROUGH, CO. MONAGHAN.

Mr. P. O'BRIEN (Monaghan, N.) asked the Postmaster General, Under what circumstances it would be necessary, in creating the Post Office in Smithborough, County Monaghan, a Telegraph Office, to run a wire from Clones to Smithborough; whether, in view of the fact that the wire which connects Belfast with Clones and Enniskillen passes within about 25 perches of the Smithborough Post Office, and that the carrying capacity of this wire is five times its present daily average, he will consider the advisability of taking Smithborough into circuit upon this wire; whether by such an arrangement the £30, which was proposed as a guarantee for a year to cover the cost of extension and any possible loss to the Post Office Revenue arising from working Smithborough Post Office as a Telegraph Office for that period, will not be more than sufficient to cover the cost of construction in bringing Smithborough into circuit on the Belfast, Clones, and Enniskillen wire, the cost of working for one year, and still leave a moderate balance to the credit of the Post Office, exclusive of the profits arising from the messages originating at and delivered from Smithborough; and, when will he be able to state the result of his inquiries?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): In reply to the hon. Member, I have to state that to place the Smithborough Office upon the Belfast, Clones, and Enniskillen wire would cause delay in the transmission of the messages passing over that circuit, and consequent complaint from the public. Even if the suggestion were desirable, but little saving, if any, would be effected in the amount of the guarantee required, as it would be necessary to increase the allowance to the Sub-postmaster, in order that he might be in a position to obtain the services of an assistant, competent to work the more difficult instrument which would be placed upon the circuit. I hope to be able to state the result of the further inquiries I promised, one day next week.

BOARD OF TRADE—SUPPOSED TIDAL WAVE IN THE ATLANTIC.

Mr. ROWNTREE (Scarborough) (for Mr. C. H. Wilson) (Hull, W.) asked the Secretary to the Board of Trade, Whether the attention of the Board of Trade has been called to the tidal wave, of a very dangerous character, reported to have been met with in the Atlantic; and, whether they will obtain as much information as possible in reference to its origin and effect?

The SECRETARY (Baron Henry De Worms) (Liverpool, East Toxteth): The Board of Trade have at present no further information beyond that in the newspapers; but they are making inquiries, and any information they may receive shall be laid before the House.

CIVIL SERVICE WRITERS—MINUTE RELATING TO BONUSES.

Mr. O. V. MORGAN (Battersea) asked the Secretary to the Treasury, Whether it is the intention of the Treasury to reconsider the terms of their Minute of December last relating to Civil Service Writers, with a view of giving higher bonuses than those awarded under such Minute; and, if so, whether, in the interests of the Public Service, and with a view to giving contentment to a large class of Government *employés*, he will consider whether such increased bonuses could be given after a less service than eight years and a-half?

The SECRETARY (Mr. Jackson) (Leeds, N.): The Treasury Minute was the result of a prolonged and most careful consideration of the whole question; and I cannot hold out any hope of reconsidering the terms of the Minute.

WAR OFFICE—ORDNANCE STORE DEPARTMENT — COMMITTEE OF INQUIRY.

Mr. DE LISLE (Leicestershire, Mid) asked the Secretary of State for War, Whether, in view of the recent Reports of the Royal Commission on Ordnance Stores, and the Report of Lord Morley's Committee, Her Majesty's Government will appoint a Committee at once to investigate the present organization of the Ordnance Store Department of the Army, the War Office having long since decided that such a Committee was necessary, and that grievances exist in that Department which demand inquiry?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): I do not think that another Committee would add anything substantial to the information we now have. I have already stated that the whole organization of these Departments is under my consideration, and that I hope shortly to make known my proposals.

POST OFFICE—DISMISSAL OF MR. J. MEUX, POSTMASTER OF HAYWARD'S HEATH.

MR. CONYBEARE (Cornwall, Camborne) asked the Postmaster General, Whether he will state specifically the reasons for the summary dismissal of Mr. John Meux from the postmastership of Hayward's Heath, which he had held for 19 years; whether Mr. Meux was found guilty of any, and what, irregularity in the performance of his duties between the 21st December, 1886, and the 13th February, 1887; if so, upon what evidence; whether it is the fact that Mr. Meux has emphatically denied the truth of allegations made against him of carelessness and irregularities, and asked to have an opportunity of explaining his conduct personally to the Secretary; why such request was refused; what are the sums expended by Mr. Meux on his office for the purpose of meeting the requirements of the surveyor as to accommodation; and, whether such outlay does not entitle him to some compensation?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): In reply to the hon. Member, I have to state that prior to December, 1886, Mr. Meux had been repeatedly cautioned as to the manner in which he performed his duties as Postmaster; and that in the course of an official investigation about the time mentioned it transpired that he had deliberately disregarded the Rules which provide security for registered letters. It was, nevertheless, decided, on the 21st December, to allow him one more chance; but shortly afterwards serious irregularities came to light, and while it is true they had actually occurred before the 21st of December, they showed so clearly that he was unfit for his post that I felt bound, in the public interest, to take the office out of his hands. Mr. Meux's denial could not, of course, affect what are proved and actual facts. He has, moreover, made statements, both verbally and in writing, which are tantamount to a full admission of the charges against him; and I, therefore, considered it desirable to refuse his request for a personal interview, which could not possibly alter the facts on which my decision was based. Mr. Meux did expend certain sums in providing office accommodation for his duties; but he was well aware of the terms on which he held his appointment, and that he was in no respect entitled to compensation for such outlay in the event of his dismissal for misconduct.

METROPOLITAN BOARD OF WORKS—THE NORTHERN OUTFALL SEWER WORKS.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the hon. Member for the Knutsford Division of Cheshire, Whether the Metropolitan Board of Works have decided what process of precipitation is to be applied at their sewage outfall works; and, if so, what guarantee they have that the selected process will prove effective?

MR. TATTON EGERTON (Cheshire, Knutsford), in reply, said, the Metropolitan Board of Works believed that the process of precipitation to be applied would prove effective, as it was founded on the results of long and careful experiments made for the purpose.

ADMIRALTY—THE APPOINTMENT OF PRINCE LOUIS OF BATTENBERG.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the First Lord of the Admiralty, To state the name of the medical officer who certified that Prince Louis of Battenberg was physically fit for the Naval Service of this country?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): Prince Louis of Battenberg, as I stated the other day, joined the Navy in 1868. The Board of the Admiralty of the day ordered him to be entered without the production of the usual medical certificate. Their decision has amply been justified by the result; insomuch that Prince Louis has always enjoyed exceptional health during the 19 years he has been in the Service, and has carried out his duties wherever he has been called upon to serve with zeal and energy.

Mr. PICKERSGILL: Arising out of the reply of the noble Lord, I wish to ask him whether it is the fact that Prince Louis of Battenberg was submitted, in the ordinary course, to medical examination by Dr. Buckle, of Her Majesty's ship *Britannia*; that, as he was only known by a number by Dr. Buckle, Dr. Buckle rejected him; that subsequently two other medical officers of Her Majesty's Service also examined Prince Louis of Battenberg, and that they also rejected him; and that, subsequently, the Prince was appointed by the direct intervention of Her Majesty?

Lord GEORGE HAMILTON: Sir, Prince Louis of Battenberg, as I stated, failed to obtain the usual certificate——

Mr. PICKERSGILL: May I point out that the noble Lord did not say that?

Lord GEORGE HAMILTON: I said that Prince Louis of Battenberg was admitted by the Board of Admiralty of the day without the production of the usual medical certificate——

Mr. PICKERSGILL: That is quite a different thing.

Lord GEORGE HAMILTON: And that they ordered him to be entered without the production of such certificate. I can only add that the result has been very satisfactory—[An hon. Member: To Prince Louis.]—inasmuch as in the record of his 19 years' service he has performed duties in different parts of the world with better health and with fewer appearances on the sick list than many other officers who obtained health certificates in the ordinary way.

Lord RANDOLPH CHURCHILL (Paddington, S.): On a point of Order, Mr. Speaker, which it seems impossible to pass by. The hon. Member opposite asked the First Lord of the Admiralty, at the conclusion of his second Question, whether Prince Louis of Battenberg was not appointed "by the direct intervention of Her Majesty." I wish to ask you, Sir, whether a Question of that kind is not grossly out of Order, and utterly at variance with all the Constitutional practice and all the immemorial traditions of the House of Commons, in introducing the name of Her Majesty into debate?

Mr. SPEAKER: Undoubtedly, the latter part of the hon. Member's Question was contrary to the established traditions of this House by bringing the name of Her Majesty and the Crown directly into the proceedings of the House in the way he did.

Mr. PICKERSGILL: Sir, perhaps I may be permitted to express my great regret for having transgressed what is undoubtedly a Constitutional usage of the House; and I may say that I did not contravene the Rule of this House advisedly, but that I simply spoke on the spur of the moment.

Mr. CONYBEARE (Cornwall, Camborne) inquired, whether the First Lord of the Admiralty would furnish to the House the Return of those officers who had been admitted to the Navy without medical certificates being granted?

Lord GEORGE HAMILTON: It would be contrary to the usual Regulation to admit any candidate without a certificate.

Dr. TANNER (Cork Co., Mid): Are only Royal personages permitted to enter the Service without medical certificates?

[No reply.]

NORTH SEA FISHERIES—SEIZURE OF THE SMACK "LADY GODIVA"—THE PAPERS.

Sir EDWARD BIRKBECK (Norfolk, E.) asked the Secretary to the Board of Trade, Whether the Government will lay upon the Table all the Papers relative to the Grimsby smack *Lady Godiva?*

The SECRETARY (Baron Henry De Worms) (Liverpool, East Toxteth): There will be no objection to the presentation of the Papers as soon as the Report of the trial has been received.

NORTH SEA FISHERIES CONVENTION —SEIZURE OF THE SMACK "LADY GODIVA."

Mr. HENEAGE (Great Grimsby) asked the First Lord of the Treasury, Whether the Government will undertake, on the receipt of the judgment in the case of Funnell, skipper of the *Lady Godiva,* not only to consider his claim for compensation for false imprisonment and loss in connection therewith, as well as for the injuries sustained by the vessel, but also to consider and enter into communication at the earliest possible moment with the German Government in regard to the treatment of Funnell in prison whilst awaiting trial, and during both the preliminary inquiry and the trial; and, whether they will inquire into the alleged breaches of the North Sea Fisheries Convention by the German cruiser, which were not brought forward at the trial owing to the fact that no notice was given either to the British Consul or to Dr. Israel, who had been retained for the defence, but which are of the greatest and most urgent importance to the whole fishing trade of the United Kingdom?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): I can only repeat the answer given on the 2nd instant by the Secretary to the Board of Trade to a similar Question. The Report of the British Consul at Hamburg on the whole case has not yet reached us; and until we receive it I am unable to say what steps Her Majesty's Government may think fit to take in the matter.

METROPOLITAN BOARD OF WORKS—DISPOSAL OF SURPLUS LAND.

MR. O. V. MORGAN (Battersea) asked the Secretary of State for the Home Department, Whether he has received a letter from the Clerk to the Board of Works for the Wandsworth District, advising him that the following Resolution was agreed to, nem. diss., at the last meeting of the Board—namely,

> "That the Government be requested to appoint a Commission to inquire into the past and present system of the Metropolitan Board of Works, in reference to its dealings with surplus or any other lands, and other matters collateral thereto;"

and, whether he will now consent to the appointment of a Commission?

COLONEL HUGHES (Woolwich) inquired, whether the right hon. Gentleman was aware that the Metropolitan Board had appointed a Commission to investigate matters, and that the proceedings of the Commission would be public?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.), in reply, said, that the Government had received a Resolution from the Wandsworth District Board of Works on the subject referred to in the Question. He understood that the whole subject was under investigation by a Committee.

ADMIRALTY — THE NAVAL MANŒUVRES—REPORTED ACCIDENTS.

MR. PULESTON (Devonport) asked the First Lord of the Admiralty, Whether he can give any information relating to the reported accidents on some of Her Majesty's ships in the naval manœuvres; and, whether he can furnish any additional information as to the progress and result of these naval manœuvres?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): I regret to say that there have been two accidents, one on board the *Curlew* and the other on board the *Black Prince.* I have received no detailed information; but I understand that there has been an accident to a Nordenfelt gun, six men having been injured, one seriously, and that the remaining five are progressing well. Two men, I am afraid, have lost the sight of an eye. One of the Squadrons — the D Squadron — has been placed to the North of the Irish Channel; the B Squadron to the South of the Irish Channel; and the third, or A Squadron, off the French Coast. There is no news of the C Squadron; but as regards the B Squadron, we have received a telegram that it has captured all the Squadron of the enemy and frustrated his objects. Admiral Fremantle reports that, after having taken Falmouth, he forced the entrance to the Thames at daylight and anchored off the Nore. He claims to have sunk the torpedo-boats, while the torpedo-boats claim to have sunk half his Squadron. Finally, he has been pursued in the Thames by Admiral Hewett's Squadron, and I believe that the whole of his Squadron has been captured. I have not yet received the Report of the umpires.

SIR WILFRID LAWSON (Cumberland, Cockermouth): May I ask the noble Lord if he can give us an estimate of what will be the cost to the country of these tomfooleries?

LORD GEORGE HAMILTON: The cost, Sir, will not entail a Supplementary Estimate. I should say that no part of the expenditure incurred in connection with the Navy will be more useful to the men in teaching them how to perform their duty and handle their ships.

Sir FREDERICK MAPPIN (York, W.R., Hallamshire): Can the noble Lord state where the guns were manufactured?

Lord GEORGE HAMILTON: I said one Nordenfelt. I did not say that the accidents were due to any defect in the gun; but I have no detailed information.

LIGHTHOUSE ILLUMINANTS—MONOPOLY OF LENTICULAR APPARATUS.

Mr. LEA (Londonderry, S.) (for Mr. T. W. Russell) (Tyrone, S.) asked the Secretary to the Board of Trade, Whether it is true that a Birmingham firm has the monopoly of supplying lenticular apparatus for lighthouses in England and the Colonies, and that competitive tenders for that description of lighthouse apparatus are never sought for by public advertisement, or otherwise, by the Board of Trade or the Trinity House; whether, very recently, efforts have not been made to extend this monopoly to Ireland and Scotland; and whether it would not be for the interest of the Public Service that this monopoly should cease, and that, in future, the Board of Trade should insist upon fair competition being instituted in all cases where lenticular or dioptric apparatus may be required for lighthouses in any part of the United Kingdom or the Colonies?

The SECRETARY (Baron Henry De Worms) (Liverpool, East Toxteth): Messrs. Chance Brothers, of Birmingham, supply the Trinity House with lenticular apparatus for English lighthouses on a three years' agreement at prices which the Board of Trade understand are lower than those of any other firm. Lenticular apparatus required by the Board of Trade for lighthouses erected by them abroad is also obtained under this arrangement. The Board of Trade are not aware how the Colonial Governments obtain lenticular apparatus for lighthouses erected by them. In Ireland and Scotland such an arrangement as that with Messrs. Chance Brothers does not exist; and the Board of Trade are not aware of any efforts having been made to extend it to lighthouses in Ireland and Scotland. Messrs. Chance Brothers have recently pointed out that they can supply for two lighthouses in Ireland apparatus at terms lower than those named in the Parliamentary Paper of the Present Session now on the Table of the House. On the termination of the agreement with Messrs. Chance Brothers it will be considered what arrangements can best be made in the interest of the Public Service.

CHINA—REPORTED COMMERCIAL CONCESSIONS TO AN AMERICAN SYNDICATE.

Mr. E. ROBERTSON (Dundee) asked the Under Secretary of State for Foreign Affairs, Whether any information has yet reached the Foreign Office as to the important commercial concessions alleged to have been made by the Chinese Government to an American Syndicate?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): No information on the subject has been received at the Foreign Office.

FISHERY BOARD (SCOTLAND)—RE-CONSTITUTION.

Dr. CLARK (Caithness) asked the Lord Advocate, Whether it is the intention of the Government to bring in a Bill this Session to re-constitute the Scottish Fishery Board; or, if not, when will the Board be re-constituted?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities), in reply, said, it was not intended to introduce a Bill this Session. Under the existing Act six members of the Board went out of Office in October next, and their places could be filled up either by re-appointment or by new members.

Mr. ESSLEMONT (Aberdeen, E.) asked, what would be the constitution of the Fishery Board for Scotland?

Mr. J. H. A. MACDONALD said, he could not predict that.

Mr. ESSLEMONT said, he could not allow the Lord Advocate to ride off in that way.

Mr. SPEAKER: Order, order!

Mr. ESSLEMONT said, they wanted to know the future constitution of the Board.

Dr. CLARK said, the Board had been appointed for five years, and the five years were about to expire; and, seeing that the strongest dissatisfaction had been expressed on all sides as to the constitution of the Board, he thought the question was most pertinent. Were the present Commissioners to be re-appointed?

Mr. J. H. A. MACDONALD said, that it was not in his power to re-appoint them.

Mr. BUCHANAN (Edinburgh, W.) asked, whether a promise would be given not to fill the appointments up till October—that was, until they had an opportunity of discussing the constitution of the Board on the Estimates?

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I hope we shall get to the Estimate for the Scottish Fishery Board before October.

BUSINESS OF THE HOUSE—CONVEYANCING (SCOTLAND) ACTS AMENDMENT BILL.

Mr. LYELL (Orkney and Shetland) asked the First Lord of the Treasury, Whether the Conveyancing (Scotland) Acts Amendment Bill will be taken on Wednesday next?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster), in reply, said, the Bill would have been put down for Wednesday if the Government had had the slightest hope of being able to carry it; but it was threatened with such serious opposition on both sides of the House that he was afraid they should be obliged to withdraw the Bill.

WALES—THE TITHE RIOTS.

In reply to Mr. Stanley Leighton (Shropshire, Oswestry),

The SECRETARY of STATE for the HOME DEPARTMENT (Mr. Matthews) (Birmingham, E.) said, that he had no information as to the renewal of the tithe riots in Wales.

LAW AND POLICE—INFLICTION OF CORPORAL PUNISHMENT ON A BOY AT ILKESTON.

In reply to Mr. C. S. Kenny (York, W.R., Barnsley),

The SECRETARY of STATE for the HOME DEPARTMENT (Mr. Matthews) (Birmingham, E.) said, he had received a vast number of reports relative to the birching a boy at Ilkeston, who was alleged to have been seriously injured. Allegations of misconduct were made against the police, who were not, however, under his jurisdiction. He had referred the matter to the Chairman of Quarter Sessions, who informed him that the Police Committee had been directed to investigate the matter.

BUSINESS OF THE HOUSE.

Mr. W. E. GLADSTONE (Edinburgh, Mid Lothian) asked, What course would be taken as to the Allotments Bill, so as to allow adequate discussion of the Bill?

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I am not able to indicate the precise day on which it is proposed to take the Allotments Bill; but, having regard to the views expressed by the right hon. Gentleman yesterday, I hope arrangements will be made to take the Bill in the course of next week at an early hour.

Sir WILLIAM HARCOURT (Derby): Certainly not taken on Monday?

Mr. W. H. SMITH: Certainly not on Monday.

In reply to Mr. Baumann (Camberwell, Peckham),

Mr. W. H. SMITH consented to postpone the Metropolitan Board of Works Money Bill until Monday, and to give Metropolitan Members an opportunity of discussing it at a reasonable hour, either on that day or on some later one.

Mr. W. E. GLADSTONE presumed it was the intention of the Government to proceed with the Report on the Irish Land Law Bill that night, and, if it should be necessary, to-morrow? It would be desirable to know, however, what Business would be taken next, in the event of the Irish Land Law Bill finishing that night, or at an early hour to-morrow?

Mr. W. H. SMITH said, that, if the Irish Land Law Bill were disposed of that night, it was not the intention of the Government to ask the House to sit on Saturday, as the labours of the House had been very severe lately, although he was afraid that the state of Supply and other urgent Business would render it necessary for the House to sit on the remaining Saturdays of the Session.

In reply to further Questions,

Mr. W. H. SMITH said, that on Monday the House would go into Committee of Supply on the Civil Service Estimates in the order in which they stood. He could not come to any arrangement to take the Irish Estimates in regular succession, and not mixed up as they were with the English Estimates. He hoped the Irish Land Law Bill would be read a third time at the conclusion of the Report stage; it would be a reasonable, and not an unusual, course with a measure of that kind. The Post Office Savings Banks Bill would not be taken to-night. He was sorry he could not name a day for the Indian Budget. The taking of the Navy Estimates would depend upon the progress made with the Civil Service Estimates. He could not say when the Education Vote would be reached, looking to the progress required to be made with the Votes in the preceding Class.

Mr. LEA (Londonderry, S.) asked, when the Government intended to introduce the Expiring Laws Continuance Bill?

Mr. W. H. SMITH: In a few days. It is not usual to introduce the Bill until there is reasonable hope that the end of the Session is in sight.

In reply to Mr. Dillon (Mayo, E.),

Mr. W. H. SMITH promised that he would try and arrange that the Irish Estimates should be brought on at a time which would suit the convenience of Irish Members.

IRISH LAND LAW BILL—THE DUKE OF ABERCORN.

Mr. P. O'BRIEN (Monaghan, N.): I wish to ask the Chief Secretary to the Lord Lieutenant of Ireland the following Question, of which I have given him private Notice:—Whether his attention has been called to a report in *The Daily News* of this day of a meeting of the landlords of Tyrone, held in Omagh yesterday, at which a letter was read from the Duke of Abercorn, in which the following paragraph occurred:—

> "The Irish landlords are to be sacrificed on the base excuse of maintaining the Union, and the whole of Ireland is to suffer for a few disturbed counties;"

whether the Government accepts the Duke's interpretation of their Irish policy, and approves of the language in which he describes it?

Mr. SPEAKER: Order, order! That is not the usual form of a Question. The hon. Gentleman is asking the opinion of the Goverment.

Mr. P. O'BRIEN: Then, perhaps, I may put the Question in the following way:—Whether, in deference to the opinion of the Duke of Abercorn, the Government will cancel the application of the Coercion Act to the whole of the Irish counties, and apply its operation to portions of the disturbed counties referred to?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): I have received no application of that character from the Duke.

Mr. P. O'BRIEN: I will repeat the Question on Monday.

EXTRA-PARLIAMENTARY UTTERANCES—COLONEL SAUNDERSON.

Sir WILFRID LAWSON (Cumberland, Cockermouth): I wish, Sir, to ask a Question of the hon. and gallant Gentleman the Member for North Armagh (Colonel Saunderson) which concerns the order and regularity of our proceedings in this House. It is, whether a statement attributed to him has any sort of correctness about it. It is stated in *The St. Stephen's Review* of last week that the hon. and gallant Gentleman stated to an interviewer——

Mr. SPEAKER: Order, order! I think this is exceeding the usual limits of a Question so ask an hon. Member of this House what he stated outside the House.

An hon. Member: It is in regard to the House.

Sir WILFRID LAWSON: Of course, Sir, I bow to your ruling immediately; but the Question relates to a statement alleged to have been made by the hon. and gallant Member as to what he would do in this House. Of course, if you say I am out of Order, I will sit down. I only wish to explain the purport of my Question.

Colonel SAUNDERSON (Armagh, N.): Am I in Order, Sir, in answering the Question?

Mr. SPEAKER: The Question of the hon. Baronet is as to a statement of what the hon. and gallant Gentleman would do in a certain case. I think it would be better to wait until the hon. and gallant Gentleman has done something.

Mr. CONYBEARE (Cornwall, Camborne): May I ask the First Lord of the Treasury, whether he has received a letter in the terms of one stated to have been sent to him by the hon. and gallant Member?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): I have not the slightest idea to what the hon. Gentleman refers. I do not know what the letter is; what the terms are; and I have not seen *The St. Stephen's Review*, and I do not know anything about it. I must appeal to hon. Gentlemen to exercise a little more control, and not to ask Questions which are absolutely trivial.

Mr. SEXTON (Belfast, W.): I wish, Sir, respectfully, to put a Question to you on a matter of Privilege. I would ask you whether the hon. Baronet the Member for Cumberland, if he desires to bring before the notice of the House a report as to a Member of this House threatening the infliction of physical violence on hon. Members opposite, and in the precincts of the House, he is not entitled to bring it before you as a matter of Privilege?

Mr. SPEAKER: I did not know what the hon. Baronet was going to refer to; but I would make an appeal to the House not to allow the time of the House to be occupied with Questions of this nature. There would be no end to them.

ORDERS OF THE DAY.

——o——

IRISH LAND LAW BILL [*Lords*].

[Bill 308.]

(*Mr. A. J. Balfour.*)

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be re-committed in respect to an Amendment to Clauses 10 and 24 respectively."—(*Mr. Arthur Balfour.*)

Mr. DILLON (Mayo, E.) said, the Motion just made ought to have been accompanied by some statement from the Government. He had that morning examined the Amendment Paper, with great anxiety, to see whether the Government placed on the Paper any Amendment which would raise again the question of arrears. He confessed that he was deeply disappointed to find that no such Notice to that effect appeared in the Paper. He did not suppose that any Bill had ever passed through Committee which had been so radically altered in its passage as this Bill. It was, in fact, so altered that it was difficult to recognize it as the same Bill. While he was perfectly prepared to admit that the Bill was valuable in some important particulars, it was true that in one vital point it had been altered in a very extraordinary fashion. When the Bill was first introduced, the Government said that the chief object of it was to abolish harsh and unjust evictions. The condition of things with which they were now face to face was that, while the Government had yielded to urgent pressure to reduce the judicial rents, all those provisions in the Bill which were originally shaped with the intention of preventing harsh and unjust evictions in the immediate future were completely struck out, and nothing appeared in their place. He had always maintained that the original provisions known as the Bankruptcy Clauses, which were intended by the Government to prevent evictions, would fail in their object. It had been always put forward on behalf of the Government, that it was to this portion of the Bill they looked to put an effectual check to those evictions. Now, the Bankruptcy Clauses in Committee went by the Board without a single voice being raised in their favour except from the right hon. Member for West Birmingham (Mr. J. Chamberlain) and the hon. Member for Kirkcaldy (Sir George Campbell). Nothing had been put in their place; and now they found that a Bill which was said to have been introduced for the purpose of preventing evictions would fail to do so. Thus, a most important grievance was not dealt with at all. They had urged on the Government that the question of harsh evictions would be best dealt with by the extension of Clause 22 (now Clause 26). He could not understand how the Government were prepared to defend their position. If no machinery was provided in the Bill for the prevention of harsh evictions, the result would be that an immense number of people—probably between 20,000 and 30,000 families—who were under ejectment decrees for arrears which they could not pay would derive no benefit from the Bill. So far as he could judge, this Bill, on which so many hopes were founded, would bring no relief to a large class of tenants during the coming winter—in fact, not before the 31st of March next. It certainly would not bring great relief to anybody now in danger of eviction, or to any of those tenants for whom the Bankruptcy Clauses were intended. The only hope for those tenants was in the extension of Clause 26.

MR. SPEAKER said, that the Motion before the House was the re-committal of the Bill for a specific purpose in respect of Clauses 10 and 24, and the remarks of the hon. Gentleman would not be in Order in referring to other Clauses.

MR. DILLON said, that under those circumstances he would move the re-committal of the Bill with respect to Clauses 7 and 26, if that were in Order. He did not desire to prolong debate. His only object was to enable the Government to give such information as might shorten discussion. The Government having admitted the most important principle that the judicial rents had become unjust and should be reduced, how could they hope to introduce law and order by enforcing those rents, when, by doing so, they would be brought face to face with an enormous number of people evicted for unjust rents? He must say that if the Government were prepared to do that they were rushing on their own ruin. The leaseholders, who were now admitted to the benefits of the Bill, had been placed in a most cruel position, for, having paid enormous sums to get leases, they had been held all these years to the old rents. After six years, it was now admitted by the Government that it would be unjust to hold those men to excessive rents, and therefore, instead of denying the tenants, of whom there were hundreds and thousands in arrears, any remedy, the Government should endeavour to open some road by which they would be enabled to get out of this *impasse.* There was nothing which had surprised him (Mr. Dillon) more than the action of the Liberal Unionists in this matter. That Party based their existence in politics on this theory—that they were determined to do justice to Ireland. They had a meeting all to themselves, and with the approval of the Leaders of the Party, certain Amendments were put on the Paper. The Irish Party thereupon adopted a tone of conciliation, for they saw that the Amendments of the Liberal Unionists to Clause 22 would go a long way to remove a very serious defect in the Bill. But the Liberal Unionist Party, in every instance in which they put down an important Amendment, ran away when it came to the scratch, and left the Irish Party in the lurch. They withdrew the Amendments, and supported the Government in the Division Lobby, whilst they sent the two Ulster Liberal Unionists (Mr. T. W. Russell and Mr. Lea) to support them in the company of the Irish Party. If that was to be the basis of Liberal Unionism, it would be a very long time before Irishmen would become reconciled to the Union, and he (Mr. Dillon) would take particular care during the coming autumn that the action of the Liberal Unionist Party, as compared with their professions, should be understood. The Irish Members had now placed on the Paper the Liberal Unionists Amendments on Clause 22, and he asked would they now support those Amendments? The Unionists taunted the Irish Members with the assurance that, in doing justice to Ireland, the National Party would be extinguished. Now, here was their opportunity to crush the National Party, and ensure their own success by doing this act of justice to the Irish tenants. The First Lord of the Treasury (Mr. W. H. Smith) said on Wednesday that it was most important that the Bill should pass at once, and that 48 hours' delay in doing that would be dangerous to the interests of Ireland. Would the First Lord of the Treasury explain what he meant by that statement, for he (Mr. Dillon) could not understand it? There was no clause in the Bill as it stood which could substantially alter the position of the Irish tenant for many months to come, except the 7th clause, and that altered it for the worse. If, by that, the right hon. Gentleman intended that there should be a vast number of evictions carried out under Clause 7, he would tell the right hon. Gentleman that his plea for urgency would have an effect the reverse of what he contemplated. When the First Lord of the Treasury begged the House not to delay the Bill for 48 hours, he was probably thinking of the coming election in the Northwich Division of Cheshire, and of others that had just taken place which threatened to be the ruin of the Party, rather than of any immediate good which would be done to the Irish tenant by the Bill. His only regret was that he had not met the clause with greater resistance, and that the Irish Representatives had not pressed more Amendments upon this clause which was now Clause 7 of the Bill, which was all the worse because the evil it would work was insidious, and because, while avoiding the open scandal of evictions which had done so much to damage the Government, it would make them easy and bring them about in the dark, by means of a printed paper, and would deprive the evicted tenant of the comfort which the presence of a crowd of sympathizing neighbours afforded to those who were evicted by force. The opposition of the Irish Representatives to the clause in Committee had been diminished by two considerations—one being the rather cruel threat of the Government that pressing Amendments would lead to the loss of the Bill, and the other being the promise on the part of the Government that the operation of Clause 22 would be largely extended, so as to afford ample protection to the Irish tenant. The intention of Clause 7 was evidently to make evictions easy, while the scandal of putting them openly in force was avoided in view of approaching elections. In conclusion, he would demand, for the last time, that the tenants now so much in arrears should not be deprived of the benefits of this Bill. He begged to move that the Bill be re-committed in respect of Clauses 7 and 26.

Amendment proposed, at the end of the Question, to add the words "and also in respect of Clauses 7 and 26."—(*Mr. Dillon.*)

Question proposed, "That those words be there added."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.) said, that the hon. Member who had just sat down appeared to have founded his ideas upon a total misapprehension of what the Bill did and what it did not do, and there never was an imputation less warranted than that the Government were thinking of elections in their desire to pass the Bill. The greater part of the hon. Member's speech had been directed against Clause 7, and he accused the Government of having introduced that clause, with the view of tiding over the next few months in order to facilitate the elections which might be held during that time in England and Ireland. He (Mr. A. J. Balfour) might at once say that the Government had not introduced the clause into the Bill with that object. Their object in framing the clause had been to avoid the wholly superfluous and unnecessary sufferings which were caused at present by evictions, in cases where agreements were ultimately entered into between the landlord and the tenant. The hon. Member then went on to make the astonishing observation that no relief would be given to the tenant under this Bill until some nine or 10 months had elapsed. [Mr. DILLON: No substantial relief.] The hon. Member had said that no part of the Bill, except Clause 7, would come into operation until the lapse of nine or 10 months. Let the House consider for a moment what the Bill did at present for the relief of the Irish tenants. In the first place, every leaseholder who chose, and every tenant who had not had his judicial rent fixed, in the course of the next three months could apply to have a judicial rent fixed, which would operate as regarded the rent, which would become due next September. [*Cries of* "No!"] There was no doubt whatever upon that point. ["Hear, hear!" *and an* hon. MEMBER: What about the hanging gales?] The hanging gales affected only a very small part of Ireland. The Bill further made a provision for the revision of judicial rents, which would also affect the rents due next September. Then, with regard to Clause 26, it would come into operation at once, not only as regarded every ejectment after the passing of the Act, but as regarded all ejectment decrees which had been obtained for months past, whether they were 10,000, 15,000, or 30,000 in number. Other parts of the Bill would give the tenants immediate relief, and the criticism of the hon. Member was the very height of injustice. Indeed, it was impossible to conceive how, in the face of these facts, any hon. Member could make the statement that the Bill would not come into operation until after the lapse of nine or 10 months. With regard to the bankruptcy provisions of the Bill, he (Mr. A. J. Balfour) had never concealed his regret that the action of the Committee had compelled the Government to drop them, as he believed that, even as they had been modified by the House of Lords, they had formed a very valuable part of the measure. He was glad to find that his regret at the absence of those provisions was now shared by hon. Members opposite, although they had not taken the opportunity of expressing a favourable opinion with regard to them while the Bill was in Committee. Objections had been taken to those clauses on the ground that the word "bankruptcy" was an invidious one; but the Government had been prepared to pledge themselves to drop that word, and to adopt any form of clause which would bring in all creditors of the tenant on an equal footing. Was it fair to reproach the Government, after they had shown their readiness to drop the Bankruptcy Clauses or to modify them, with having brought forward a Bill without provisions which they had dropped in obedience to the wishes of hon. Members opposite? The Government had done their best to relieve the Irish tenant from the load of debt from which, according to the hon. Member for East Mayo, the Irish tenant was suffering, and if they had been defeated in this object it was owing to no fault of their own, but to the action of hon. Members on that side of the House. While saying that, he did not wish to be thought to imply that the Bill, even as at present without those provisions, was a useless measure for the tenants of Ireland. He thought that it was very much the reverse, and he believed that under the operation of Clause 22 or 26, whichever they chose to call it, as a matter of fact, a settlement would be come to over the whole of Ireland. They had been told that this Bill gave no relief with regard to arrears. But the Government had done a great deal with regard to arrears; they had given the County Court Judge absolute power to spread the payment over an indefinite period. He asserted that, though the Bill had been so far maimed by the action of hon. Members from Ireland, yet it did give immense relief in regard to arrears. What relief had been given in this direction by their Act of 1881? The hon. Member for East Mayo told the Government they had admitted that the judicial rents were unjust, and that therefore they were logically bound to make the action of the clause retrospective over the period during which the alleged injustice had existed. What were the rents now alleged to be unjust? They were rents fixed by the Courts. In 1881 the rents were what hon. Members opposite asserted had been exacted by harsh and unjust landlords out of their tenants by working on their affection for their homes, and by threatening them with the loss of all improvements on their holdings, unless they consented to these rents; and yet the relief given by Clause 26 had never been dreamt of in 1881. He denied the premisses upon which the hon. Member proceeded. He did not admit that the rents which they proposed to reconsider were unjust in that sense which alone would allow of the argument that any action taken with regard to them ought to be retrospective. A rent might be too high without being unjust. A contract might be too hard without being inequitable, and he would not say that those rents were unjust until hon. Members conceded to him that a contract solemnly entered into between the two parties, which the progress of time had caused to bear hardly on one of the parties, could be described as being an unjust one, and that any action taken with regard to it ought to be retrospective. He maintained that they had no right to use any other words with regard to these rents than they were prepared to use with regard to any other contract, fairly and honestly entered into, which the lapse of time or any other circumstances might have rendered difficult of fulfilment by either of the parties. The Government were not prepared to accept the suggestion of the hon. Member for East Mayo; they could not withdraw from the position which they had taken up with regard to this point in Committee. They were not prepared to start from the admission that the judicial rents were unjust, and acting upon that to apply a procedure to the diminishing of the debts from the tenant to the landlord different from that which was to be applied to the debts of the tenant to the shopkeeper and the gombeen man. The responsibility for the loss of the Bankruptcy Clauses must rest with the Irish Members; but the Bill gave considerable protection with regard to arrears; and he thought that the hon. Member for East Mayo would admit that the Government were trying to do their best for the good of Ireland, and that the measure in its present form was one of the largest measures of relief ever given by that House to any class of the community either in Ireland or in England.

SIR WILLIAM HARCOURT (Derby) said, that the most important point was that they should understand in what position they were placed with regard to Clauses 7 and 26. The right hon. Gentleman the Chief Secretary for Ireland had stated, in his (Sir William Harcourt's) opinion not at all accurately, the position in which the Irish tenants was placed under the 26th clause as it now stood. The pressing question which they had to consider, was, what the situation of the tenants, whether leaseholders or holders under judicial rents, would be in the course of the autumn and winter in respect to arrears, which he feared were very general, and almost universal in consequence of the bad times. That was the real point, and the question was, what did this Bill do for these people? If it did nothing for them, what would be the situation in Ireland under the Bill in the course of the next six months? What were the Government going to do? This clause affected to a certain degree probably the larger proportion of some 300,000 tenants—200,000 under judicial rents and 100,000 leaseholders—who owed one or two years' amount of a rent which was admitted to be too high. He was not going into the metaphysical discussion between a rent which was too high and a rent which was unjust; they might depend upon it, though the mind of the right hon. Gentleman the Chief Secretary was very acute and metaphysical, that that was not the point of view from which the Irish tenant would regard the question. What the tenant would say to himself would be, "Can I pay this rent, and, if not, what will happen to me under the 7th clause?" He could not see why a distinction should be made between the relief *in futurum* which the Bill was to give, and the relief from the rent which had been too high previously. He thought that the boasted Equity Clause of the Government did no equity at all and was not worth the paper it was written upon, for this reason. A man was called upon to pay two years' rent; he was allowed to pay this by instalments, but each instalment was a fraction of an exorbitant rent, and he did not think that anyone would be gulled by the clause. This clause was an inequitable clause, and the Government were trying to palm it off on the country and on the Irish people as an Equity Clause. What was the result of it? They ordered a man in distress and paying an exorbitant rent to pay successive instalments of this unjust rent. That would involve the payment of exorbitant instalments, and it was plain that the time would come when he could not pay the instalments. It was possible that the man might pay the first and second instalments; but if he could not pay the third, the moment must arrive when he would be evicted. The clause, in effect, said that without benefit of clergy, without power to the Court, he was to be instantly evicted, and the Court was to give him no relief whatever. A more unjust, a more inequitable, he was almost going to say a more iniquitous, clause, it was impossible to conceive. Then a provision was introduced in Clause 26, with reference to *fieri facias.* But they confined *fieri facias* to the sale of the tenant's interest; the landlord was left to do as he liked with reference to the whole plant and stock of the tenant. The landlord could sweep the farm bare. He was told that they were doing that most extensively in Ireland now. Suppose a landlord wished to get rid of a tenant. It was not necessary for him to sell the tenant's interest — he could go to the farm and sweep away the little stock left to the tenant everything by which the family could live The clause gave no protection whatever, it left the tenant absolutely at the mercy of the landlord in Ireland. The right hon. Gentleman said that the Opposition proposed no alternative to the Bankruptcy Clauses. They had done so. There was an alternative proposed in the Amendments on Clause 22. They were now reproduced on the Paper, and if the Government would only accept them now, then the treaty of peace would be signed at once. They were the Amendments of the Liberal Unionist Party. Where was the Liberal Unionist Party that evening when this matter was being discussed? They were away enjoying themselves; but they had got to consider whether the tenants of Ireland, whose cause the Liberal Unionists had undertaken, were also enjoying themselves. He thought the tenants of Ireland would remember the line of Pope—

> "Wretches hang that jurymen may dine."

The hon. and learned Member for Inverness (Mr. Finlay) had proposed an Amendment in substitution; but what was its fate? The hon. and learned Gentleman was supported by the right Member for West Birmingham (Mr. J. Chamberlain); but the noble Marquess the Member for Rossendale (the Marquess of Hartington) threw the Amendment overboard, and with it the hon. Member for South Tyrone (Mr. T. W. Russell). But the hon. Member was used to that. The right hon. Gentleman the Chief Secretary had said—Only propose a substitute for the Bankruptcy Clauses, and we will be glad to consider it, and, perhaps, adopt it. Well, this was the substitute for the Bankruptcy Clauses, and the Opposition now proposed them. That was the object of the Motion.

Mr. A. J. BALFOUR: What I said was, that any provision of relief bearing the marks and subject to the conditions which I explained were absolutely necessary — that all creditors should be treated alike—we should be glad to consider, and possibly accept.

Sir WILLIAM HARCOURT said, the proposal seemed to him to involve a profound fallacy. The right hon. Member for the Sleaford Division of Lincolnshire (Mr. Chaplin) pointed out that the Bill only made the Irish landlords do what the English landlords did voluntarily. That was the basis of this legislation from 1881 onwards. It was an attempt, difficult, arduous, and generally unsuccessful, to make the Irish landlord do what the English landlord had done voluntarily. When the English landlord found prices had fallen and that rents were too high he reduced his rent in the proportion which he thought fair to his tenants. But he did not commit such an absurdity as to go to the tenant and say—"I will not reduce your rent unless your butcher, your baker, and all the rest of your creditors, reduce their bills." The tenant would think he was a fool to propound such an argument as that; but yet that was the fundamental principle of the Government, which they insisted on. It would not bear examination for a moment. The Liberal Unionists, after all, were more intellegent men than the Government they supported. They made no proposal of that kind. They put their Amendments down dealing with rent alone. But the Liberal Unionists had run away from their colours, and left only the hon. Member for South Tyrone——

Mr. T. W. RUSSELL: And the hon. Member for South Londonderry (Mr. Lea).

Sir WILLIAM HARCOURT: Oh, well, there are two of them then; but "where are the seven?" He supposed the fact was that the Government had adopted the doctrine of the Duke of Abercorn, and demanded that "the Irish landlords are not be sacrificed to the base excuse of maintaining the Union." That was the description of the policy of the hon. Member for South Tyrone by the Duke of Abercorn. He entreated the Government not to listen to the Duke of Abercorn, not to listen to the landlords of Ireland, who, after all, thought uncommonly little of the Union, but a great deal of the rent. The question was, whether by the Bill the Government were going to send a message of peace to Ireland. The hon. Member for East Mayo and the hon. Member for Cork (Mr. Parnell) had said that they did not wish to prolong this agrarian quarrel, but that the urgent question in Ireland was that of the arrears of exorbitant rents. More or less—probably more—of these 300,000 tenants were in arrear, and for that the Bill offered no remedy, except to enforce, by a new and insidious process, the payment of exorbitant rents by spreading the instalments over a period of time; but that did not remove the taint of injustice which attached to the exorbitant rents. What was proposed by the Opposition was the simplest of all remedies. It was to substitute for the Government Bankruptcy Clauses, that the County Court should in settling this question of arrears and instalments have an equitable jurisdiction to deal with the amount due. Could there be a more simple, or more fair and reasonable proposal than that? The hon. Member for East Mayo promised them peace in Ireland if they did that. [*Laughter.*] The right hon. Gentleman opposite smiled at that; but, surely, he wished for peace in Ireland as much as anyone did. Their Bill, however, gave no remedy except the combination of the tenants against their unjust law. The Irish Members said they did not desire that; but wished them by law to give a just and an equitable relief, and they proposed to leave the Court to say on those arrears what reduction should be made. It was said they had shut the back door against eviction; but that door was still left ajar, because the landlord could go and sweep off the whole of the tenant's stock under the Bill, and thus eviction would come about. He hoped that even at the eleventh hour the Government would see their way to making a composition on the 26th clause. If they did so, they would make the Bill a just and reasonable Bill, and one that would give satisfaction to the tenants in Ireland. That was a result to which every man, to whatever Party he belonged, ought to do his best to contribute. When the Court gave judgment it should give judgment on the arrears and on the whole matter, and should pronounce what was fair and equitable between the parties. He hoped therefore that the Government would not be induced to stand out in that matter, for if they did they would unquestionably be deprived of all the advantages which they expected from that Bill, and their measure would not be accepted in Ireland in the spirit in which everybody desired that it should be.

VISCOUNT CRANBORNE (Lancashire, N.E., Darwen) said, he did not think that the right hon. Member for Derby would be able to persuade the British elector that a Bill which remitted rents to the extent of 20 per cent was a measure which gave no relief whatever to Irish tenants. [Sir WILLIAM HARCOURT: I said in the next six months.] Between allowing a remission in future and allowing a remission of arrears there seemed to be a very large distinction to be drawn. If the Government were to agree to remit the arrears of the judicial rents, they would have to deal with the very difficult case of the tenants who had already paid, for it would, at any rate, be unjust to remit in the case of those who had been lax in payment, and not to give any remedy to those who had paid up to the time. He was glad that the Government had announced that they would not make a concession in that respect. If they did, he considered it would be another step in that very dangerous and disastrous path on which the Government, he regretted to say, had already entered. On a former occasion the right hon. Member for Derby had referred to him (Viscount Cranborne), and spoke of the *sancta simplicitas* of the noble Lord who hoped that the Government would not give way, and the right hon. Gentleman said that the Government immediately afterwards did give way. Now, he (Viscount Cranborne) admitted that the Government did act in direct antagonism to a speech which he had previously made; but the *sancta simplicitas* to which the right hon. Gentleman alluded was shared by a very large number of the hon. Members who sat around him. He regretted more than he could say the concession which had been made. No doubt, if prices rose they had reason to hope that the rent of the landlord would rise under the proposal of the Government. But he feared that if they established a sliding scale for rent, they would establish a scale under which rent would slide down, but would not slide up again, and it would, to a large extent, affect the credit of the tenants of Ireland when the Purchase Bill came before them. He had hoped that they had reached the limit of concessions in this respect, and that the Irish tenants, recognizing that the Act of 1881 was a final settlement, would have looked no more to Parliament for a further relief from their contracts. Some hon. Members did not seem to recognize the fact that Irish tenants must go through some tribulation before they again learned the inevitable lesson of economic laws and the necessity of adhering to their contracts. The time must come when those economic laws would assert themselves, and the tenants would have to bear the brunt of it. Why had those concessions been made? [*Laughter.*] They need not laugh; he was going to answer the question. The concessions had been made not, he believed, with the advice of many hon. Members who sat around him, but in the teeth of the declarations of the Unionist Leaders on both sides of the House, and a large number of Members on that (the Ministerial) side did not agree with them. But the reason for them was this—The Government was not a Government in a majority; and whilst he would not say a word against the Liberal Unionist Party, whose patriotism and consistency he fully recognized, and to whom he felt that the Government owed a great deal, yet, undoubtedly, they had the power to turn out the Government. He could not for a moment blame Her Majesty's Government if—when they considered the terrible confusion into which all affairs, both at home and abroad, would be plunged by a defeat of the Government in this House—they shrank from those consequences. But though he did not blame them, he could not agree with them, and he could not think that the course they had taken was most conducive either to the prosperity of Ireland or to the good of the public life of this country. These were sentiments which were largely held by hon. Members sitting around him, and he had waited to see whether someone of greater weight than himself would rise and say words to this effect; but as no one had risen he thought it right to say this much. Great changes had been made in the Bill; but he was only anxious that it should be fully understood that many Members on his side of the House would not be held responsible for the 26th clause, and that the country would put the saddle on the right horse.

MR. RATHBONE (Carnarvonshire, Arfon) said, he was decidedly of opinion that unless something was placed in the Bill in lieu of the Bankruptcy Clauses the Bill would not be effective. He could not see what good any Land Bill would effect in Ireland which did not provide, in a satisfactory manner, for the liquidation of arrears. He, therefore, still hoped the Government would consent to make the necessary alterations in their measure, and he would ask them, at the eleventh hour, whether they would not consider the question of allowing the County Courts equitable jurisdiction, and thus make the Bill a really healing measure. The majority of the House desired it should be done, and the Government would have been defeated if the Liberal Unionists had voted according to their opinion, instead of abstaining in view of other concessions.

MR. T. W. RUSSELL (Tyrone, S.) said, the first object of the speeches he had listened to of the hon. Member (Mr. Dillon) and of the right hon. Gentleman (Sir William Harcourt) seemed to be to discount the value of the Bill, as much as possible, before it went to the country; and, in the second place, to misrepresent and injure the Liberal Unionist Party. It was quite true the Liberal Unionists were absent that night, and he was not sure that, for all the good done up to the present, they were not quite as well where they were. [MR. W. E. GLADSTONE: Hear, hear! *and loud Opposition laughter.*] He was speaking of the proceedings of that evening. He would venture to state what was really the action of the Liberal Unionist Party in the matter; but, at the same time, he was not responsible for the action of the whole Party. He had taken a line of his own, and what he had said in that House he had said at Devonshire House. The Government had made great concessions, and he was not afraid that the action of the Liberal Unionists should be judged by Irishmen of any Party. He had been bantered by the right hon. Gentleman the Member for Derby because the Liberal Unionists did not follow him into the Lobby. He had done his best to carry the Party with him on all the main considerations. [SIR WILLIAM HARCOURT: How many voted?] He thought something like 15, and they were about equally divided. He had done what he thought to be his duty to his constituents, and he did not think he ought to be bantered for that by the right hon. Member for Derby, or any other Member of the House. He had ventured to lay before the Liberal Unionist Party, clearly and distinctly, what were the Amendments he thought necessary in regard to the Bill. Before the meeting of the Liberal Unionist Party, he had spoken on the second reading of the Bill perfectly plainly, and nobody could say that his advice to the Liberal Unionist Party was not advice that was given in the House. He had held from the first that with respect to Clause 1 the option should be given to leaseholders, and that no restriction should be put on the clause. He held that the judicial rents, in view of the facts and the evidence placed before the Cowper Commission, were impossible rents, and would have to be reduced; and he stated that more was in peril than the landlord's rent if that course were not adopted, and he recommended that the back door should be closed. All those points had been conceded, and more, because they had got relief from the town parks, which had been swept away in South Tyrone and many other parts of Ireland, and they had the Equity Clause made retrospective. Under those circumstances, he was not afraid to have the action of the Liberal Unionists judged by hon. Members of either side. The right hon. Member for Derby said that all the Party did not vote with the hon. and learned Member for Inverness (Mr. Finlay). Was the right hon. Gentleman never a Member of a Party which did not vote in its entirety? The hon. and learned Member for Inverness did what he thought was right, and he (Mr. T. W. Russell) supported him, as he should do again; but they were not responsible for the whole Party. With regard to the Equity Clauses, he read Clauses 7 and 26 together; and it appeared to him that this was what would take place. No tenant in Ireland could suffer eviction, which was what they wished to avoid, until the matter had come before the County Court. The landlord could not take these notices and scatter them broadcast on his own motion. He must go to the Court and get an order, and the moment he went there for the order the tenant went for protection, and the 26th clause would be put into operation. He was desirous, in common with the hon. Member for East Mayo, that the clause should go further. The County Court Judge had the right to give time to the tenant to pay, and to arrange the instalments, and he also had the power, if he could bring the parties to terms, to arrange a composition. He (Mr. Russell) believed that in 80 per cent. of the cases composition would actually take place. ["Hear, hear!"] They believed it? If they did believe it, they were bound to enact it. He did not say that all Irish landlords were unreasonable; but it was for the 20 per cent of cases, where the composition was not made, that legislation was wanted. It was required to force the Clanricardes and the O'Callaghans to come to terms. There was a percentage of Irish landlords—the Clanricardes and O'Callaghans—who would take their pound of flesh, and therefore he (Mr. T. W. Russell) wished for a provision, authorizing the Chairman to compel these Clanricardes and O'Callaghans to come to terms. He would say that these people had no right to throw the whole country into a state of seething excitement in order to get their unjust rents. The Chief Secretary for Ireland had said that he (Mr. T. W. Russell) and his Friends proposed no substitute for the Bankruptcy Clauses; but in his speech on the second reading, while he condemned the Bankruptcy Clauses, in the case of small tenants, and held them, in the demoralized state of Ireland, to be positively dangerous, he also stated that if they were to be abandoned it would be necessary to put something in their place, and he held that an extension of the Equity Clauses was necessary. The noble Viscount the Member for the Darwen Division of Lancashire, had raised a point against any further concessions being made on account of those tenants who had paid their rent, and were not in arrears. There was, he (Mr. T. W. Russell) would admit, some force in that; but he did not think it was a good reason why this small boon should be refused in the present state of Ireland. It would only affect about 20 per cent of the cases; but it would bring contentment and peace; it would enable this measure to work freely, fully, and fairly. He believed that the whole peace of the country depended on the Bill. He hoped it would have the desired effect, and he now pleaded at the last moment, even although he was a Liberal Unionist, and in the absence of his Party, who would be there when the Division Bell rang, that the Government would reconsider the question, and see if they could not give way on the most reasonable proposal that was submitted to them.

Mr. W. E. GLADSTONE (Edinburgh, Mid Lothian) said, he had not intervened before in the discussions upon that Bill, but he had followed them with great interest; he had seen that the discussion was in excellent hands, and that the question was moving in the right direction, and he had been desirous to see the proceedings expedited. The position, however, was now so peculiar that he felt it necessary to say a few words. They might safely go to a Division on the speech of the hon. Member for South Tyrone (Mr. T. W. Russell), who, however, had directed a part of his speech to the justification of the Party with which he was connected, and which had assumed the name of "Liberal Unionists." The hon. Member, he thought, had not had a difficult task in reviewing the conduct of that Party during the last week, so far as he was himself concerned. But, when he said that on a matter which he deemed vital to the interests of the Irish tenantry, he was not, on a sanguine estimate, supported by more than one-tenth of that Party, he (Mr. W. E. Gladstone) did not think that his vindication of the Party, as a whole, would inspire in the minds of critics a vehement desire to retort upon, or to object to, what had been said by the hon. Gentleman. When the action of that Party came to be a matter for serious consideration, it appeared to him that their difficulty would not lie in the details of what had taken place within the last few weeks. Their difficulty would be to answer this question—How came it that, in the months of August and September of last year, with full warning of what was coming, when moderate proposals were made with respect to judicial rents, which would at least have given time to tenants unable to pay, until their cases had been examined by the Land Commission, how came it that the whole body of Members calling themselves Liberal Unionists deliberately joined the Government in refusing a reasonable concession? That was a stiff and difficult question, and if anyone could answer it in a satisfactory manner, it was the hon. Member for South Tyrone; while as to the question more immediately before the House, the answer supplied to the speech of the Chief Secretary by the hon. Gentleman who had just sat down was absolutely conclusive. The right hon. Gentleman the Chief Secretary said he greatly regretted the omission of the Bankruptcy Clauses, and he attributed their omission to the squeamishness or fastidiousness of hon. Gentlemen on that side of the House with regard to the term "Bankruptcy." But speaking for all for whom he could presume to speak, and he thought also for the last speaker, he would say it was not a question of a word, or of a form. It was that, in their judgment, the relief given by the Bankruptcy Clauses, valuable as it was in itself, was rejected because it was given on a condition which was absolutely dishonouring and demoralizing to the tenantry of Ireland. This was not a question of a legal term, or even of legal status, but it was an objection of substance. The proper substitute for the Bankruptcy Clauses was indicated in Committee by the hon. Member for South Tyrone, when they were objected to; it was now again before them upon the Notice Paper, in a form as to which he (Mr. W. E. Gladstone) still entertained the hope that the Government would give it a favourable consideration. The Chief Secretary said he was ready to give any relief in respect of arrears to tenants who came before the Court under judgment in ejectment, provided that the relief was proportionately shared by all their other creditors. But could that ground be held as a solid and substantial ground for legislation? Were the cases parallel in the view of the public, and in view of legislation? It was going to be declared, on the invitation of the Government, that a number of rents which were to be examined in Court were excessive, exorbitant, and unjust; was it proposed to make such a declaration with respect to the other debts of the occupier? Was Parliament going to declare that the tradesman who supplied tools, or any other creditor of the tenant, was in the relation to him of a creditor exacting an excessive and exorbitant price for what he had supplied? Nothing of the kind. It was only landlords' rent that Parliament proposed to declare excessive. What, then, became of the principle, on which they were invited to take their stand, of the absolute equality of the landlord and the ordinary creditor? On what imaginable ground could they be invited to place other creditors on an equality with the landlords, when the fundamental inequality was that the tenant was to be invited to go into Court to obtain a judgment that his rent was excessive, while other creditors were untouched by the action of the Legislature? Let them consider a case that was certain to happen. There could be no question that, after the heavy fall in agricultural valuation and the way it had operated in Ireland, a large number of occupiers, both leaseholders and judicial renters, after the passing of the Act would go before the Court to obtain a revision of rent; and, in the case of leaseholders, it was possible it might be declared that their rents were not only excessive, but unjust and exorbitant in an extraordinary degree. Nothing was more remarkable than the number of instances which had been disclosed by the examination of particular estates, in which rents had been paid for a long series of years enormously above what any impartial tribunal would declare to be fair and just. When the Land Act was passed, one landlord of good repute, who had no idea that his rents were excessive, went into the matter with his agent, and found cases in which rents that were excessive by 40 per cent had been regularly paid for 64 years. Such cases occurred in Ireland, but were not to be found in any other country. There would probably be such cases among leaseholders. Suppose a leaseholder went into Court and obtained a large reduction? A half-year's rent might be coming due; but he might, at the same time, be in arrear for the previous half-year. A judgment in ejectment might be obtained against him, and this Bill would greatly facilitate his being deprived of his status as a tenant by eviction, notwithstanding that a public authority, under the direction of that House, had declared to be exorbitant the rent in respect of which he was going to be evicted. That was to say, an occupier was to be deprived of his status for non-payment of rent that had been declared to be excessive, and which was just as excessive two years before. Was is not likely that there would be many such cases declared by the Court, and that the arrears would be impossible for the tenant to liquidate? It was their interest, and they were all anxious, to send a message of peace to Ireland; but, in order to do that, there ought to be some consistency in the proceedings of Parliament; and it would be a proceeding clearly inconsistent if, while abating the rent in consequence of a strong necessity—which never ought to be done, except in circumstances which admitted no other alternative—we were to shrink from the legitimate consequences of such a proceeding. It was perfectly intelligible, as the Bill was introduced especially with respect to the judicial renters, that the Government should say—"We will have no dealing with arrears in respect of the Equity Clauses, except as to the time to be allowed for their repayment;" because the ground which the Government took up at that time was that the rent was a sacred thing. But now that ground was cut away; the rent was no longer a sacred thing; it was to be judged by its adaptation to the circumstances of the holding, and to what a solvent tenant could make out of the holding. In that case, how was it possible to say that the tenant was to receive an immediate relief to enable him to remain in the holding, and, at the same time, that he was to be subjected to an excessive rent in the shape of the arrears to be added on to the rent which he had to pay? Why, then, did not the Government accede to the moderate and reasonable demand which was made in this matter? The Bill as it stood was in most respects a Bill of great value and importance. There was the 7th clause, which in the main might be justly called the landlord's clause, as it enormously improved the position of the landlord with respect to the exaction of his rent. Now, he (Mr. W. E. Gladstone) did not object to improving the landlord's position with respect to the exaction of his rent, provided they took reasonable securities that it should be a just rent. The Government had admitted by their deliberate action that it was their duty to take such securities; how, then, was it possible for them to say they would keep alive the old obligations, which, by the voice of the Legislature, all men had solemnly condemned, by adding to the fair rent those old obligations in the shape of instalments, and thus placing the tenant under a joint weight of two heterogeneous burdens, which, taken together, must crush him, and destroy the beneficial results which otherwise might have been experienced from this Bill? It was sometimes said that they had adopted principles and rules in regard to Ireland which they would not think of adopting in England or Scotland. Well, the principle on which the Chief Secretary for Ireland took his stand was the necessity for dealing alike with the creditors and the occupiers. Was that the view of legislation on this side of the Channel? No; he held in his hand an Act of last year, entitled, "An Act to amend the Tenure of Land by Crofters," and the 4th sub-section of Clause 5 of that Act contained the very principle for which they on that side of the House were contending, and it showed that Parliament a year ago denied it, and refused to proceed on the ground on which they were now asked to proceed. The sub-section directed the Commissioners to take into consideration all the circumstances which had led to such arrears, and to decide whether the whole or what part of such arrears should be paid. The principle which they were asserting, that of giving relief solely against arrears of rent, thus had the solemn and deliberate sanction of Parliament within the last 12 months and that not on behalf of Ireland, but on behalf of Scotland, the very last country that would ask them to depart from sound principles to meet a temporary emergency. He hoped that the Government would not, when they came to the Amendments on the Notice Paper, refuse to complete the good work that they had taken in hand, and thus, by one of the greatest errors in politics, commit the fault of marring a great work by unworthily grudging and refusing some minor, but, from circumstances connected with it, some vital and important concession which was necessary to give it completeness and security.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster) said, that what the right hon. Gentleman asked them to do was to give away something which belonged to other people, and to do so in no grudging spirit; he asked them to surrender principles which that House had uniformly asserted and maintained with great advantage to the State up to the present time. The right hon. Gentleman said—"Let this legislation be retrospective; let a special formal composition be applied to one particular form of debt which shall not be applied to other kinds of debt." Those were new principles which Her Majesty's Government were not prepared to accept. The right hon. Gentleman had only referred to one exception in the whole course of our legislation up to the present time. But what was the course pursued by the right hon. Gentleman in fixing a fair rent in 1881? That rent was not to run from the year 1881, nor from the date of the application to the Court; it was to date from the period at which judgment was given by the Commissioners. Were principles which were held to be just in 1881, and which had regulated hitherto the trade and commerce of the United Kingdom, to be safely violated in 1887? The Government had been consistent in what they proposed. They offered to put every creditor in the same position before the law, and that if any composition was to be effected, it should equally apply to the debts due to the landlord and to every other creditor. The right hon. Gentleman had spoken of the Bankruptcy Clauses as dishonourable and demoralizing. Was it not dishonourable and demoralizing to relieve a man from a contract into which he had deliberately entered, and which had been judged to be a just contract by a Court of Law, simply because there had been a change of circumstances since the contract was entered into which made it more onerous to one of the parties. No system of commerce, no system of trade, no system of justice could be maintained under a principle of that kind—a principle the assertion of which would strike at the root of the trade and credit of the country, where articles continually changed in value. But it was now assumed that if there had been a change in value, it was right to relieve a man of his liabilities with respect to those articles in which a change of value had taken place. The proposal of hon. Members opposite was that an exception should be made with regard to one particular class of contracts, and that the change in the law, which was to apply to one particular class of debts, should not apply to all classes of debts equally. It was attempted to support that proposal by asserting that the debts which should alone be affected by this change in the law were those which arose from arrears, and which were the result of unjust rents; but he could not assume that those rents were altogether unjust when they had been fixed by a competent authority appointed by the Government of the right hon. Gentleman opposite. With regard to the case of the leaseholders, it was argued that they were suffering from excessive, exorbitant, and unjust rents; but those leaseholders were expressly excluded from the legislation of 1881 by the action of the right hon. Gentleman himself, who held that these were contracts entered into by the parties with their eyes open, and were of so sacred a nature that, under no circumstances, were they to be disturbed. It was a most dangerous doctrine to lay down that a man who was in arrears was to receive a benefit that they denied to another man, simply because he was not in arrears. If the principle contended for by hon. Members opposite was maintained in Parliament, that any contract might be interfered with when a change of circumstances had supervened from the period when it was entered into, it would be impossible to resist the demand for the rescinding of any kind of contract. The Government had made a fair and reasonable offer in this matter. They had no desire to affix the stigma of bankruptcy upon the tenant seeking relief, neither did they desire to compel him to do anything dishonourable, or that was inconsistent with the position of an honest man. All that they said to him was, that if he was unable to pay his debts, he must avail himself of the facilities which were offered to him for fairly distributing his property among his creditors. This was a principle well known and established by the English law, and it was one from which the Government could not depart.

Mr. PARNELL (Cork): Sir, every argument that the right hon. Gentleman the First Lord of the Treasury has used against the proposals of my hon. Friend (Mr. Dillon) might be used with equal effect against the re-adjustment of rents, which the Government, under the pressure of circumstances, at the eleventh hour adopted. The reason why Parliament has interfered in the case of dealing between landlords and their tenants is, that admittedly there is not freedom of contract in Ireland in respect of land; but with respect to other things there is freedom of contract. In respect of everything which the tenant buys from a shopkeeper, there is perfect freedom of contract. If he cannot get his agricultural implements or his food upon satisfactory terms from one shopkeeper, he can go to another. I greatly regret that the right hon. Gentleman the Chief Secretary will not deal with this question, the only question left likely to interfere with a satisfactory settlement of a temporary character during the coming three years in Ireland. This question of arrears of rent was one of the questions which I took the liberty to point out to him in the debate on going into Committee. I spoke of the date at which re-adjustment of rent should take effect, of the question of arrears, and of the question of evicted tenants. The Government have partially met us regarding the date at which re-adjustment of rent is to take effect, but they have not met us at all upon the question of arrears, or upon the question of evicted tenants. The question of evicted tenants is not such a large matter as this question of arrears, for that question is undoubtedly a large matter, which may very seriously disturb the settlement proposed to be effected by the Bill. Now, I would ask the Government whether it is worth their while to take their stand upon what they consider to be a principle, but which nobody else in the House can discover to be a principle—the question as between landlord and shopkeeper. The right hon. Gentleman the Chief Secretary has told us that he would accept any plan which would place all creditors on an equal footing. His meaning is, that if a landlord presses his debtor, the tenant, and drives that tenant into Court, that all the other creditors shall be also compelled to come into Court also and press the tenant in the same fashion. Now, Sir, we are at issue as to the interpretation which the right hon. Gentleman gives the words; but as to what he lays down, we are not at issue with him. We are not at issue with him as regards the words which he has used. So far as we read his words, we are as one with him, and we are willing to make him an offer. We say that, though we greatly prefer that the appeals should only be dealt with by the Court of Equitable Jurisdiction, still we should be willing, in order to close the question of arrears, and prevent it from impeding a settlement and creating trouble during the winter and summer, to allow the Court to deal with all debts, whether due to the shopkeeper or to the landlord. We only take issue with the right hon. Gentleman as regards the adoption of bankruptcy provisions. We assert that bankruptcy provisions are not necessary to deal with the crisis, and that we have gone as far as we can be expected to go when we say—"As creditors bring their debtor into Court, deal with the claim of each as it arises." If the Government will agree to that principle, there need not be a particle of difference between us on the point; but if the Government insist upon driving all the tenants into bankruptcy proceedings, then, Sir, there is a chasm which it would be impossible to bridge over. Sir, I trust that this question of arrears may be settled when it is reached by the Amendment of my hon. Friend the Member for East Mayo to-night or to-morrow, and that we may have, as the issue of this Bill, a settlement worthy of this question, which will really promote the peace of the country, and which will not take away with the one hand that which is given by the other. It would be impossible for this House to claim consistency in its conduct if, while admitting that these rents are unjust and have been unjust for the past twelve months or two years, they compel the tenant to pay the old unjust rents, while they go through the mockery of offering him the chance of going into Court to get the unjust rent reduced. Unless there be some satisfactory provision in regard to this question of arrears, you will undoubtedly have the landlords in multitudes in Ireland taking advantage of the 7th clause to destroy the titles of the tenants, and the equitable jurisdiction which you have given under the 26th clause will break like a reed in the hands of the tenants. I would earnestly entreat the Government to reconsider this question before it is too late. The question is one that cannot really hurt the landlords as a body, because these arrears are absolutely irrecoverable. It can only give rise, if you leave the position as it is, to further confusion and trouble, necessitating next year the passing another Arrears Act, just as the failure in the Act of 1881 to legislate on the question of arrears necessitated action by Parliament, after a winter of confusion and trouble, crime and outrage, to pass the Arrears Act of 1882. I do trust that the Government will be warned by what has gone before. I speak in no threatening sense, and I think also that the necessity and justice of the position require that you should make a clean settlement of the business, and that you should not leave these tenants to be crushed down by the weight of arrears which will render for many of them your proposed legislation a mockery and a delusion.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.) said, he hoped the Government would seriously consider the proposals made to them, seeing the great necessity that existed for accepting the compromise which had been offered by the hon. Member for Cork.

Question put.

The House *divided*:—Ayes 129; Noes 180: Majority 51.—(Div. List, No. 353.)

[8.0 P.M.]

Main Question put, and *agreed to.*

Bill *re-committed* in respect to an Amendment to Clauses 10 and 24, respectively.

Bill *considered* in Committee.

(In the Committee.)

Clause 10 (Reduction of interest on loans under 33 & 34 Vic. c. 46, s. 45; 35 & 36 Vic. c. 32, s. 1).

Amendment proposed, in page 9, line 4, after sub-section (1), to insert the following sub-section:—

"Within six months after such notification any person liable to pay the annuity, or otherwise appearing to be interested therein, may apply to the Commissioners of Works for an extension of the term fixed by the order, and the said Commissioners may grant such extension of the term as they think just, so that the term shall not in any case exceed forty-nine years from the date of the advance, and shall adjust the annuity and vary the order accordingly."—(*Mr. A. J. Balfour.*)

Question proposed, "That the said sub-section be there inserted."

MR. MAURICE HEALY (Cork): I am sorry that the Government, in carrying out their promise, have adopted the form of this Amendment. What we complained of was that the tenants, under the Act of 1870 and under the Act of 1881, were treated in a different way from the glebe purchasers under the Land Purchase Act of last year. I quite admit that, so far as the substance is concerned, the Amendment does carry out the promise of the Government; but what I complain of is that, instead of dealing with the matter as they dealt with glebe purchasers, they require the tenant to obtain two different orders, whereas the glebe purchasers made one application and obtained an order. Under this clause the Land Commissioners first make an order in one sense, and if the tenant or purchaser wishes to be put on the same footing with glebe purchasers, then he has to make a subsequent application to get an order of the Court for it, and the term is extended. I would ask the Government to reconsider this point between now and our reaching this clause on Report. It is not open to me now to move Amendments—at least, I could only move to amend the Government Amendment, not other parts of the clause, and I will only ask the Government to consider the desirability of putting the two classes of tenants on exactly the same footing. It really is a great waste of energy, and will involve extra expenditure to the tenant, if this second order is made necessary. Why not do as you did in the case of the glebe purchasers, and let the Land Commissioners make an order once for all and conclude the matter? I acknowledge that the Chancellor of the Exchequer has met us in a fair way, and with the most liberal spirit; but I would ask him, when he is making a concession at all, to go the whole length, and place all purchasers on the same footing.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): In reply to the hon. Member, I must say I do not see how we could meet the point in better language. Though the second order might be necessary——

MR. MAURICE HEALY: It is absolutely.

MR. GOSCHEN: No; the Commissioners, in the first instance, might give an order that would be satisfactory. The hon. Member will remember that I said a discretion must rest with them. If the hon. Member will be content to leave the matter as it is now, I will, in the interval, before the Bill is sent back to "another place," consider the matter, though I must say I think that the clause can hardly be improved, and that the form in which the discretion is given is scarcely liable to objection.

MR. MAURICE HEALY: The right hon. Gentleman is absolutely mistaken in the matter. The clause leaves the Commissioners no discretion; it enacts specifically that the annuity shall be a 4 per cent annuity, and there is no discretion whatever in the matter. I would ask the right hon. Gentleman to reconsider the matter between this and Report, and he will find that the Land Commissioners have no such discretion. Two orders are absolutely necessary.

MR. GOSCHEN: I could not accept an alteration without a very careful consideration of the language, such as I do not think I could give on the Report stage; but the hon. Member evidently did not hear my remark that it shall be considered with a view to seeing whether, in "another place," a re-arrangement can be made.

Question put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 24 (Reduction of interest on loans under 44 & 45 Vic. c. 49).

Amendment proposed, in page 18, line 41, after sub-section (1) to insert the following sub-section:—

"Within six months after such notification any person liable to pay the annuity, or otherwise appearing to be interested therein, may apply to the Irish Land Commission for an extension of the term fixed by the order, and the said Commission may, if they think the special circumstances justify it, grant such extension of the term as they think just, so that the term shall not in any case exceed forty-nine years from the date of the advance, and shall adjust the annuity and vary the order accordingly."—(*Mr. A. J. Balfour.*)

Question proposed, "That the said sub-section be there inserted."

MR. GOSCHEN: The same engagement holds good as regards this Amendment.

Question put, and *agreed to.*

Clause, as amended, *agreed to.*

Bill *reported.*

Bill, as amended, *considered.*

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.) moved to insert the follow- New Clause, after Clause 11, expediting proceedings on sales:—

"Whenever a holding has, either before or after the passing of this Act, become forfeited to the Commissioners of Works under section forty-four or forty-five of 'The Landlord and Tenant (Ireland) Act, 1870,' and no legal proceeding in respect of such forfeiture has been taken by the said Commissioners, they may, with the consent of the Treasury, if it seem fit, after notice to all persons appearing to the Commissioners of Works to be concerned, order that the holding shall be released from the forfeiture as from the date at which it accrued, and shall vest in the person named in the order discharged from all claims on account of the alienation, sub-letting, or other act, on account of which the forfeiture was incurred. Such order shall have full effect and be binding on all persons interested in the holding; and the holding, after the date thereof, shall cease to be subject to the conditions imposed by the sections above in this section mentioned, and shall be subject to the conditions imposed by section thirty of 'The Landlord and Tenant (Ireland) Act, 1881,' and that section shall apply with the substitution of the Commissioner of Works for the Land Commission," Clause (Release of forfeiture incurred by purchaser to whom money advanced. 33 & 34 Vic. c. 46, ss. 44, 45,)—(*Mr. A. J. Balfour,*)—*brought up*, and read the first and second time, and *added.*

SIR GEORGE CAMPBELL (Kirkcaldy, &c.), in rising to move, in page 1, to insert the following New Clause before Clause 1:—

"On the passing of this Act there shall be substituted for the statutory term of fifteen years provided by 'The Land Law (Ireland) Act, 1881,' a term of five years; and in all provisions regarding the said statutory term the word 'five' shall be read instead of the word 'fifteen.' When the fair rent of any holding has been fixed for a statutory term, such rent shall not be afterwards altered, except on the ground that either (1) the value of the produce; or (2) the productive powers of the land have been increased or decreased otherwise than by the agency or at the expense of the tenant or by his default,"

said, the clause was founded on the recommendations of the Cowper Commission, and as the outcome of the experience gained in India on this subject for 100 years. His clause summarized the law in India on the subject. He did not believe in the purchase scheme contemplated by the Government. A purchase scheme could only deal with the mass of the Irish tenants if they got cheap money at 3 per cent; and they could not get that except upon the credit of the British taxpayer. But if the Government attempted anything of that sort they would fail. The right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) had tried to put that burden on the back of the British taxpayer, and the British taxpayer had kicked him off; and if the present Government tried to do anything of the kind they would also be kicked off. Nobody would believe in a purchase scheme until they saw it; and, therefore, he now submitted his Amendment, which was based on the Report of the Cowper Commission, and backed by the experience of India. The hon. Member concluded by moving the clause.

Clause (Fair rent,)—(*Sir George Campbell,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. A. J. BALFOUR said, he would not follow the hon. Member into the question of an Irish purchase scheme, or into that of the land tenure of India. The hon. Gentleman proposed to adopt the suggestions of the Cowper Commission; but he had not provided any machinery by which they were to be carried into effect.

SIR GEORGE CAMPBELL said, that would follow, and he was quite ready to put the necessary provisions on the Paper.

MR. A. J. BALFOUR said, it was now really too late for that, and, moreover, it would interfere with the whole structure of the Bill. It was out of the question for the Government to think of adopting a clause without seeing how it was to be brought into operation, and he hoped that the hon. Gentleman would not press the clause to a Division.

Question put, and *negatived.*

MR. T. W. RUSSELL (Tyrone, S.), in moving, in page 2, after Clause 1, to insert the following New Clause:—

"This Act shall apply to all leases and grants of land in perpetuity made to any person previous to the passing hereof, and under which, or under the provisions of any Act of Parliament by virtue of which the same was made, the grantor or the grantee is entitled from time to time and at the expiration of certain periods of time to require the variation and revision of the variable rent payable under such leases or grants; and in every such case the following provisions shall be in force and have effect with respect to the variation and revision of such variable rent, and shall supersede and be in substitution for all and every the provisions in that behalf contained in such leases or grants, and in any Act of Parliament with reference thereto:—

"(a.) The grantor or grantee shall be entitled, six months before the expiration of any prescribed period, to require a revision of such variable rents, and to apply to the Court to fix the same, and, in such case, the party desiring the revision shall serve a revision notice upon the other party;

"(b.) In every case where, before the passing of this Act, any revision of such variable rent has taken place in pursuance of the leases or grants, or of any Act of Parliament with reference thereto, the grantor or grantee may, at any time within the prescribed period, serve a revision notice upon the grantee or grantor, as the case may be, and in such case the prescribed period then current shall be deemed to have expired at the gale day next after the end of six months from the service of such notice;

"(c.) Whenever the grantor or grantee has served a revision notice and the parties agree within three months after service of such notice as to what shall be the amount of variable rent to be payable during the prescribed period next following, they may fix the amount of the variable rent to be payable during such prescribed period;

"(d.) Whenever the grantor or grantee has served a revision notice and the parties do not within three months after the service of such notice agree as to what shall be the amount of the variable rent to be payable until the variation and revision of such variable rent next following, then and in every such case the amount of the variable rent to be payable until the variation and revision of such variable rent shall be fixed by the Court in accordance with the provisions contained in this Act;

"(e.) In all cases where one or more under grants in perpetuity have been made of any lands, the service of a revision notice shall have the effect of also bringing before the Court the interests of the under grantors and grantees in perpetuity; and, if any variation of the variable rent should be made, the variation shall simultaneously apply to and affect the variable rent of all such grantors and grantees according to their respective interests under their grants or under any Act of Parliament having reference to or regulating the same;

"(f.) Before fixing the variable rent of any such lands the Court shall take evidence as to the then letting value of such lands, and such value is hereinafter referred to as 'the present letting value,' and shall take evidence as to the letting value of such lands at or about the time when the grant was made, and such letting value is hereinafter referred to as 'the former letting value,' and shall preserve the same proportion between the present letting value and the variable rent to be paid by the grantee until the variation and revision of such variable rent next following as existed between the former letting value and the variable rent payable by the grantee immediately after the making of the grant: Provided always, that the grantor shall not be awarded any increase of variable rent by reason of any increase in the value of such land which is due to any buildings or improvements except in so far as the grantor has contributed to the same. The variable rent fixed by the Court under this Act shall be the variable rent payable under the leases or grants until the same shall be again varied and revised;

"(g.) In this section the words following shall have the meanings respectively attached to them, namely, 'person,' includes corporation whether aggregate or sole; 'variable rent,' means a rent subject to variation and revision; 'prescribed period,' means the period at the expiration of which a variation and revision of the variable rent payable in respect of any lands leased or granted in perpetuity may be required, in pursuance of any lease or grant of the same, or of any Act of Parliament, or this Act; 'revision notice,' means a notice in writing, signed by the person giving such notice, and requiring a variation or revision of any variable rent; 'grantor,' means the person to whom such rent is payable; 'grantee,' means the person by whom such rent is payable,"

said, he did not intend to press it. It related to the Trinity College leases—one of the most complicated subjects that he had ever considered. He had, however, satisfied himself that there existed a *bonâ fide* grievance in the case of the holders of those leases, and he hoped that the Chief Secretary for Ireland would look into the matter, and grant a Committee next year to examine into it.

Clause (Perpetuity leases.—Variable rents,)—(*Mr. T. W. Russell,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. A. J. BALFOUR said, that he could not go the length of promising the hon. Member a Committee next year; but he would himself try to master the difficulties of that complicated subject, and to see whether there was a case for going any further with it.

MR. SERJEANT MADDEN (Dublin University) said, he could not admit the existence of the grievance which had been alleged in regard to the Trinity College leases.

MR. MACARTNEY (Antrim, S.) said, he felt bound to press the question on the attention of the right hon. Gentleman the Chief Secretary, who, he thought, when the matter was examined, would see that there were strong grounds for granting a Committee of Inquiry.

Question put, and *negatived.*

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. SHAW LEFEVRE (Bradford, Central), in rising to move, in page 2, after Clause 1, to insert the following Clause:—

"Where within six months after the passing of this Act, any tenant of a holding, which is valued under Griffith's valuation at fifty pounds or under per annum, shall apply to the Land Commission under section one of this Act, or under 'The Land Law (Ireland) Act, 1881,' for a judicial rent, the Land Commission, after notice to the owner or lessor of the said holding but without hearing evidence as to its value, may provisionally determine the rent for the same.

"For the purpose of determining such provisional rent, the Commission shall take the average rate at which the judicial rents of other holdings within the same electoral division of the annual value of fifty pounds and under have been fixed by them, with reference to Griffith's valuation of the same during the twelve months preceding the passing of this Act, and shall fix the provisional rent of the holding at the same rate with reference to its valuation.

"If within two months after such provisional determination of the rent either the owner, or lessor, or the tenant of such holding shall, in writing to the Commission, object to such determination, and shall require that the judicial rent shall be determined in the manner provided by 'The Land Law (Ireland) Act, 1881,' then the Commission, after notice to the parties, shall proceed to determine the judicial rent of such holding in the manner provided by the said Act, provided that the provisional rent shall be the rent payable till the determination of the judicial rent, and provided also that the costs of so fixing the judicial rent may, if the objection to the provisional rent appears to the Commission to have been groundless, be ordered by them to be paid by the party making the objection.

"If within the said two months neither the owner or lessor nor the tenant shall make objection, the rent so provisionally determined shall be the judicial rent of the holding within the meaning of 'The Land Law (Ireland) Act, 1881.'

"If not more than two judicial rents have been determined by the Commission in any one electoral division within the period of twelve months before the passing of this Act, the Commission may take the average judicial rents in any larger area which may appear suitable to them for the purpose of guiding them in the provisional determination of rents within the same,"

said, he moved the clause with the same object in view as the clause which he moved in Committee on the Bill. His main object was to relieve the country from the enormous expenditure which would be incurred in carrying this Bill into effect, and also to relieve the landlords and tenants from the costs of obtaining the judicial determination of rents. There could be no doubt that on the passing of this Bill there would be an immense rush of tenants into the Land Courts. In a few weeks, probably, 200,000 leaseholders would apply for judicial rents. This would cause a great block in the Land Court, which would necessitate the appointment of Sub-Commissioners and lead to an increase of expenditure corresponding to that which occurred in 1882, 1883, and 1884. He proposed to enable the Land Commissioners to determine the rent by the average rate at which judicial rents of other holdings of £50 and under within the same electoral division had been fixed with reference to Griffith's valuation during the 12 months preceding the passing of the Act. This Amendment was similar to the one he had moved in Committee; but he had endeavoured to meet some objections which were then urged by the right hon. Gentleman the Chief Secretary to his proposal. He estimated that four-fifths of the tenants of Ireland had holdings under £50, and so many would come under the provisions of the clause. Neither landlord nor tenant could be injured by his proposal in the slightest degree; because, if either objected, the provisional determination of the rent would be set aside, and the proceedings would take place under the Act of 1881 in the ordinary way. The effect of the clause would be to clear away all the small cases from the Court, and to enable the Commissioners to determine the rent on the simple principle of averages. It would be also the means of saving the country an enormous expenditure of money.

Clause (Provisional determination of rents of small holdings in order to prevent a block of business in the Land Commission,)—(*Mr. Shaw Lefevre,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton) said, the Government fully sympathized with the desire of the right hon. Gentleman that the costs should be reduced to the lowest possible scale. The proposal of the right hon. Gentleman was well worthy of consideration, and the clause very important; but he did not think it could be incorporated in the present Bill. It was purely a temporary provision applicable to present tenants who might have made their applications three or four years ago, but had not done so from reasons best known to themselves. A lazy or indifferent tenant would be entitled to have his judicial rent fixed in this haphazard way. The Irish tenant and the Irish landlord had a holy horror of law costs, and sooner than incur them they were very likely without this provision to come to terms. The clause of the right hon. Gentleman embodied a very useful suggestion, but it was too late at this period of the Session to enter upon the discussion of so large a question; and, as it would be impossible for the Government to accept the clause as it stood, he trusted that the right hon. Gentleman would not press it.

MR. MAHONY (Meath, N.) said, that it would appear as though the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Gibson) had no power to enter into a settlement of this question in the absence of his political Leaders. This clause would meet the difficulty which must inevitably arise in the Courts in Ireland after this Bill became law. There was a strong suspicion in Ireland that the good in the Bill would be strangled by the Assistant Commissioners who would be appointed by the Government to carry the provisions of the measure into effect.

MR. M'CARTAN (Down, S.) said, that the object of the clause was to save the money equally of the tenant, the landlord, and of the State. The right hon. and learned Attorney General for Ireland was the Representative of those lawyers who had robbed the Irish tenants. Nothing had been said against the clause, even by the right hon. and learned Gentleman.

MR. SHEEHY (Galway, S.) said, he thought it was a strange reason for rejecting the clause that it was only temporary, and did not go far enough.

MR. PARNELL (Cork) said, he could not understand why the Government should refuse the Amendment, which would save the Land Courts from a great deal of trouble. It was a mockery to tell some tenants to go into Court to make their applications, because the cost of the proceedings in many cases—as in the case of smaller tenants—say, of £10 valuation—would amount to half the rent, and in all cases to two or three times the amount of the reduction. If the Government thought the limit was too high, and if they would agree to fix the limit at £20, instead of £50, the clause might be passed in that form. The right hon. and learned Attorney General's objection that the clause was only of a temporary character was one which scarcely lay in the mouth of the Government. He trusted, therefore, that the Government would accept the £20 limitation.

MR. T. C. HARRINGTON (Dublin, Harbour) said, he was desirous of speaking on behalf of the tenants of Kerry, almost all of whom were under the £20 valuation; and he hoped the Government would accede to the appeal of his hon. Friend (Mr. Parnell). In many cases the tenants could not go into Court without selling their stock. The Courts were held sometimes 15 miles away from the holdings of the tenants, and the expenses to which the tenants were put in coming there and maintaining their witnesses took away all the benefits of the reduction. He considered it monstrous that when the Government professed to be acting in the interests of peace more than of justice, and reproached the Irish Party with maintaining a constant agitation, they would not take from them a fair and common-sense proposal. They might believe him that the humblest peasant that would be evicted and his home destroyed would occasion them as much trouble hereafter as if he were the largest landholder in the country.

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight) said, he could not accept the clause any more now than when it was introduced before. The objection of his right hon. and learned Friend the Attorney General for Ireland was not solely to the temporary character of the provision. The clause was not applicable to the particular remedy they were introducing by the Bill. It would not cheapen the proceedings, and there was no occasion whatever for introducing it. The acceptance of the clause would be to create new procedure in the Courts. He was also of opinion that the proposal was unnecessary in principle.

MR. LEA (Londonderry, S.) said, that originally he was not greatly in favour of this clause; but by the modifications which had been introduced into it it had been divested of the objectionable features by which it was originally marked, and it seemed to him that there was no fear that it would work any injustice. It was exceedingly desirable that law costs should, as far as possible, be saved. It was beyond all doubt that small farmers could not and did not go into the Land Court for fear of the costs. A tenant could not under the existing system go into the Land Court without obtaining the assistance of a solicitor, who, of course, could not be obtained without expense. If, therefore, any scheme could be devised which would prevent the necessity of incurring these excessive law costs, it would be a great boon to the small tenants, and would materially add to the value of the Bill. He was not sure that the clause at present was quite workable; but he had no doubt that if it could be rendered workable, as he believed it might be, it would be of great use to that large class of small farmers who paid from £2 to £3 a-year as fair rent, and who were totally unable to bear the expense incurred on going into the Land Court under the existing system.

MR. MURPHY (Dublin, St. Patrick's) said, he thought the Government would do well to accept the proposal, which would facilitate enormously the carrying out of their measure.

MR. SHAW LEFEVRE said, he felt that he must urge the Government to accept the clause. He would go even further than the hon. Member for Cork (Mr. Parnell), and bring the limit down to £10. If, however, the Government were unable to accept any offer of the kind, and would not yield on the question, he should feel it his duty to divide the House.

MR. A. J. BALFOUR said, that the subject-matter of the Amendment, though in itself worthy of consideration, was altogether foreign to the immediate scope of the Bill; but he quite admitted that any proposal for cheapening the costs of proceedings was worthy of attention. He would suggest, however, that it was not worth while to adopt a proposal to operate only for six months and for small tenants in preference to some greater scheme for limiting the cost of terminating tenancies.

MR. CHANCE (Kilkenny, S.) said, it seemed to him that the Ministers appeared to be hardening their hearts against any concession as the Bill progressed. He should give his support to the clause.

COLONEL DUNCAN (Finsbury, Holborn) said, hon. Members opposite did not appear to have presented this clause to the House in any spirit of hostility to the Bill. He thought the Government might make some concession with reference to this clause. In his opinion, something in the direction suggested would save the money of the most miserable class of tenants in Ireland; and it would also save the money of the landlords and of the State. The most wretched portion of the Irish people would be deprived of relief unless some concession was made. In the interest of the Bill itself he implored the Government to make the concession.

Question put.

The House *divided*:— Ayes 110; Noes 173: Majority 63.—(Div. List, No. 354.) [10.10 P.M.]

MR. LEA (Londonderry, S.), in moving in page 6, after Clause 6, to insert the following Clause:—

> "From and after the passing of this Act it shall be sufficient for any occupier of land claiming any common of turbary, or any right of turbary as appurtenant to such land, or as annexed or belonging thereto, or used or employed therewith, or as included in the right of tenancy of such occupier in any manner whatsoever, to prove to the satisfaction of the Court or Judge that the occupiers of such land have, in the course of the customary management of the estate of which such land forms part, enjoyed either for a period of ten years last before the commencement of the action, or for ten years ending on the year one thousand eight hundred and eighty-one, the right claimed, or any like right, custom, licence, or usage of turbary, on any part or parts of the same estate; and the Court or Judge may thereupon either give judgment for the plaintiff with costs, or make such other order as in all the circumstances of the case may seem just,"

said, the subject with which the clause dealt was an important one, and sooner or later would have to be settled. It was a subject not without complications, and the time was not the most convenient for its discussion; but he felt it his duty to take the opportunity of submitting the plan by which the Court should take cognizance of the right, and if anyone had any better plan to propose he was quite willing at once to surrender his proposal. For the information of those English Members to whom the matter was not familiar, he would just say that to tenants who were in the habit of cutting turf for their supply of winter fuel the retention of the right was often far more important than a reduction of rent would be. Some five years ago the subject was brought under his attention in connection with the fixing of judicial rents by the fact that upon an estate in the West of Ireland some 40 tenants, after having succeeded in their application for a revision of their rents, received notices that henceforth they would have to pay for their supply of turf; and that was only an instance among many of which he had since heard of the unfair way in which tenants who applied to the Land Commission were penalized for their attempts to secure a fair rent. The principle he laid down was sufficiently clear from the wording of the clause, and it was unnecessary to accompany it with any lengthened remarks. The Court, when fixing the rent, would inquire into all the circumstances relating to turbary, and give their decision after taking into account this important element in the relation between landlord and tenant.

Clause (Proof of right of turbary,)—(*Mr. Lea,*)—*brought up,* and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.) said, the subject of the Amendment was well worthy of consideration. It raised one of the most complicated and difficult questions; and it was one of the most controversial connected with Irish land; it was certain to give rise to much discussion. If they once began to touch the right of turbary the discussions on the Bill would last an unlimited period. He would, therefore, appeal to the hon. Member not to press the matter now, but to bring in a separate Bill on the subject, instead of augmenting the burden on an already over-weighted measure.

MR. O'DOHERTY (Donegal, N.) said, he felt it his duty to support the new clause. The clause clearly prevented the turf of a tenant who applied for a judicial rent being confiscated.

SIR WILLIAM HARCOURT (Derby) said, it was the misfortune of land legislation for Ireland since 1870 that everything which the Legislature desired to do had been defeated by some device. Fair rents were to be fixed, a reduction was made, and the landlord said—"Your rent has been reduced £2; if I cannot make you pay one way I will make you pay another," and forthwith the tenant was deprived of the right of turbary. Then, a tenant was frightened to apply for a reduction of rent, being threatened that if he did so he would lose his turf. The fact that it could be done was held *in terrorem* over tenants, and prevented them from applying to the Court. Surely the House ought to provide a remedy to prevent its legislation being defeated in that way. He held that this question was a corollary to the fair rent, and all that was asked was that the Court, in fixing the fair rent, should see that a man was not done out of it by some move of this kind.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton) said, that when a tenant came into Court the Land Commission, or the County Court Judge, asked the landlord whether he would agree to the tenant having the right of turbary. If the landlord said no, that was taken into account in fixing the rent; if he agreed, then the right was attached to the holding. It was now proposed that where the tenant did not get the right, and where this was not taken into account, the landlord should be deprived of the right of turbary. That was to say, a property was to be taken from the landlord which was his and given to the tenant, who had never had it. That was a very large proposition, and he would venture to submit to the House that to create rights which did not exist, and to take away from the landlord rights which he at present enjoyed, was a matter of such a character that it could not be conveniently introduced into the Bill. It was extraneous to the scope of the Bill, and the Government could not consent to embark upon the question now.

MR. FLYNN (Cork, N.) said, that the evidence of the Cowper Commission showed that in many cases tenants were deterred from entering the Land Courts by the fear of being deprived by the landlord of the right of turbary.

COLONEL SAUNDERSON (Armagh, N.) said, that the object of the clause would not benefit the Irish tenants. The hon. Gentleman the Member for South Londonderry (Mr. Lea) was not an Irishman, and he should recommend the hon. Member, in company with the right hon. Gentleman the Member for Derby (Sir William Harcourt), to study this bog question, for there was no one but an Irishman who was thoroughly acquainted with the subject. He (Colonel Saunderson) wished to point out that if this clause were accepted, far from benefiting Irish tenants at large, it would have exactly the reverse effect. With regard to the speech of the right hon. Gentleman the Member for Derby on this and on all other questions relating to Ireland, the right hon. Gentleman was accustomed to make violent attacks on Irish landlords, and those attacks were never backed up by facts. But he would pass from the speech of the right hon. Gentleman, who evidently knew nothing about the subject on which he had addressed the House.

SIR WILLIAM HARCOURT said, he had read the Report of the Cowper Commission.

COLONEL SAUNDERSON said, perhaps he might mention how the matter acted on his own property. Personally, he would be willing to allow his tenants to decide whether the clause should pass or not. It happened that in the County of Cavan bog was getting scarce. He quite agreed that it was a very serious question, and would probably have to be dealt with in the future. He maintained that to deal with the question in the way now proposed would be a very serious matter. One of the most serious questions the landlord had occasionally to decide was this turbary question. Most of the landlords in his own county charged a nominal rent for the right of turbary. He allowed his own tenants to remove the turf on payment of 1*s*. a-year. Many other tenants, however, had to bring their carts a long way to procure the turf, and it could easily be imagined what would happen when these men came down for supplies, and were told that the right had been handed over to the tenants of the landlord to whom the property belonged, and that they could not, therefore, be allowed to remove any more turf. Therefore, so far from improving the condition of the tenants, it would have the very reverse effect. His own opinion was that if any scheme brought in was to be largely successful, the State should become the owner of the bog, and that would prevent the disturbances that sometimes arose now in connection with this right of turbary. As Chairman of the Petty Sessions in his own district, he could state that a considerable number of the worst cases of crime in his county were due to disputes arising out of the right of turbary. By taking away the right from the landlords, who had it at present, and giving it to the tenants themselves to charge what they pleased for the turf, much hardship would be inflicted on the other tenants coming a long distance; and therefore the clause, so far from proving a benefit, would work an injury.

MR. MOLLOY (King's Co., Birr) said, that the main question was this—Was the tenant who was now entitled to cut bog to be deprived of this right under the Bill, or was it to be preserved to him? The clause merely intended to preserve to the tenants a right which they enjoyed by custom.

MR. MAHONY (Meath, N.) said, speaking from his experience as a Sub-Commissioner, that the practice of the Land Commission was that where the landlord agreed to give the right of turbary the Sub-Commissioners put an extra value on the holding in consequence; but where the landlord refused to give turbary to the tenants, the Sub-Commissioners could not deduct from the value of the holding on that account. He did not think that the fears of the hon. and gallant Member for North Armagh (Colonel Saunderson) were justified. He asked the Government to consider the matter very carefully, because a landlord from the North of Ireland had stated to him that in Fermanagh the effect of the reductions of rents had been completely neutralized by the enormous price put on the right of turbary.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster) said, he must appeal to the House to come to a decision on the Amendment. If the House discussed the clauses on the Paper at the length at which they had been discussed up to the present time, there was very little chance of the understanding come to earlier in the evening being carried out.

Question put, and *negatived.*

MR. DWYER GRAY (Dublin, St. Stephen's Green), in moving to insert the following New Clause, after Clause 6:—

> "From and after the passing of this Act the landlord of any holding shall not be entitled to distrain for the rent thereof,"

said, he would not occupy the time of the House at any length. The right hon. Gentleman the Chief Secretary for Ireland seemed to think that it was a sufficient objection to any proposal to say that it was likely to be of a controversial character. If the right hon. Gentleman and the Government were consistent this proposal of his ought not, after what had taken place, to be of a controversial character. The right hon. Gentleman the Chief Secretary, in opposing the proposal of his hon. Friend the Member for East Mayo (Mr. Dillon), stated that the whole objection of the Government was that all classes of debts and all classes of creditors should be placed on an equal footing. The Law of Distress gave an undue advantage to the landlord for the recovery of his debt. Having taken steps to close what was called the "back door," the Government left a side door open in the Law of Distraint. He therefore proposed to abolish this right to distrain, and to place the landlord on an equality with the other creditors of the tenant.

Clause (Landlord not to distrain,)—(*Mr. Dwyer Gray,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton) said, he hoped that the Amendment would not be pressed. It could not, he thought, be said that the Law of Distress in Ireland had worked any particular hardship; and, as far as he could see, there was no reason whatever for altering the landlord's right in that respect.

MR. DILLON (Mayo, E.) said, he was surprised at the line taken by the right hon. and learned Attorney General in this matter. The argument of the Government had all along been that the landlord and the tenant occupied the relative positions of debtor and creditor, and upon that ground they refused to deal with the arrears; but now, when they took the Government at their word and proposed to give to the landlord the same means of recovering his debt as an ordinary creditor, the Government immediately opposed a *non possumus.* The Law of Distraint was a most oppressive and atrocious law, which ought to be done away with. The greatest cruelties were practised by the landlords, who deliberately had the cows driven away for long distances, often as much as 15 miles, and just at the time when they were about to calve. No good and just landlord or decent man in Ireland ever dreamt of using it. Its enforcement by cruel landlords was a fertile source of disturbance and breach of the peace in Ireland.

Question put.

The House *divided:*—Ayes 118; Noes 190: Majority 72.—(Div. List, No. 355.)

MR. M'CARTAN (Down, S.) moved, after Clause 7, to insert the following Clause:—

"And notwithstanding anything to the contrary contained in the eighty-sixth section of 'The Landlord and Tenant Law Amendment Act (Ireland), 1860,' it shall be lawful for the justices therein named at their discretion to put a stay on the execution of their warrant for giving up the possession of the holding for a period not longer than three months from the date of the warrant."

Clause (Power to justices to stay execution,)—(*Mr. M'Cartan,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. A. J. BALFOUR said, he sympathized with the object of the hon. Member for South Down (Mr. M'Cartan), and agreed that something ought to be done in the direction of giving discretion to the Justices to stay execution for fresh cause shown. He thought, however, that the matter could be better discussed when they reached the Amendment on the Paper of the hon. and learned Gentleman the junior Member for the University of Dublin (Mr. Serjeant Madden), in which the reasons in respect of which the discretion was to be exercised were stated, and which would accomplish the same object — but not quite to the extent—desired by the hon. Member for South Down.

MR. DILLON (Mayo, E.) said, he preferred that the matter should be dealt with by the clause now before the Committee. He objected to its being narrowed as was desired by the right hon. Gentleman the Chief Secretary, and saw no ground for refusing this discretionary power to a Bench of Justices composed of landlords and their agents.

MR. SYDNEY BUXTON (Tower Hamlets, Poplar) said, he would recommend the hon. Member for South Down to withdraw his clause.

Motion and Clause, by leave, *withdrawn.*

MR. CHANCE (Kilkenny, S.), in moving, after Clause 7, to insert the following Clause:—

"A tenant on whom a notice under this section is served, or who is removed from his holding under a judgment in ejectment for non-payment of rent, may, within the period within which an application for a writ of restitution of possession may be made, lodge the amount of the rent and costs stated in the writ of possession, or where the same has not been sued out in the judgment, with the clerk of the peace for the district in which the holding is situate; and thereupon the clerk of the peace shall, without fee or charge, endorse a receipt for the money so lodged, upon the judgment or writ of possession, and shall deliver the same to the tenant; and the judgment or writ of possession so endorsed shall have all the force and effect of a writ of restitution of possession, and shall entitle the tenant to resume possession of his holding. The clerk of the peace shall, within two days after endorsing the receipt, send through the post, directed to the plaintiff in the judgment to his address as therein described, a notice in the prescribed form of the receipt of the money so lodged, and shall, upon the application of the plaintiff in the judgment, pay the same to him,"

said, that he would not press this Amendment if the Government would accept one which would give the County Court Judge power to act in case the landlord was shown to be unreasonable.

Clause (Restitution of possession in certain cases,)—(*Mr. Chance,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. GIBSON said, that in nine cases out of ten landlord and tenant would come to terms. He thought it would meet the view of the hon. Member for South Kilkenny if the County Court Judge were able to give costs if the landlord were guilty of unreasonable conduct. He would accept an Amendment in that shape.

Motion and Clause, by leave, *withdrawn.*

MR. MAURICE HEALY (Cork) moved, after Clause 8, to insert the following Clause:—

"(1.) For the purposes of the fifteenth section of 'The Land Law (Ireland) Act, 1881,' the state of the immediate landlord of a holding shall be deemed to be determined by the recovery as against such immediate landlord at the suit of any superior landlord of a judgment in ejectment for non-payment of rent, including such holding.

"(2.) A judgment in ejectment for non-payment of rent, recovered as against the landlord of a holding at the suit of any superior landlord, shall not be executed as against the tenant of such holding; but from and after the recovery of any such judgment such superior landlord shall stand in the relation of immediate landlord to the tenant of such holding, as in the fifteenth section of the said Act is provided, and may proceed accordingly for the recovery of all rent then due by such tenant to his immediate landlord.

"(3.) Nothing in this section contained shall be deemed to preclude any such immediate landlord as aforesaid from redeeming his tenancy in the premises recovered as against him by any such superior landlord, in any such ejectment as aforesaid, within the space of six calendar months from the date of the judgment or decree in such ejectment: Provided that such redemption shall not affect any proceedings pending at the date thereof, at the suit of such superior landlord, against the tenant of any holding comprised in such premises."

Clause (Determination of state of immediate landlord by ejectment for non-payment of rent,)—(*Mr. Maurice Healy,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. GIBSON said, the effect of the new clause would be to relieve the middle tenant of his obligations to the superior landlord.

MR. O'DOHERTY (Donegal, E.) said, he considered that the Amendment was necessary in order that the intention of the 15th section of the Land Act of 1881 might be carried out, and that the rights of tenants holding under middlemen's leases might be rendered safe.

Question put, and *negatived.*

MR. FINUCANE (Limerick, E.): I beg to propose the insertion, after Clause 2, of the following Clause:—

"'The Land Law (Ireland) Act, 1881,' and this Act, shall, notwithstanding anything contained in the fifty-eighth section of the said Act, be deemed to apply to any holding let to be used wholly or mainly for the purpose of pasture:

"(a.) If such holding is valued under the Acts relating to the valuation of property at an annual value not exceeding two hundred pounds, and the tenant actually resides on such holding, or on a holding adjoining same, or on a holding with which such holding is ordinarily used; or "(b.) Is such holding or a substantial portion thereof was originally laid down in pasture by the tenant in occupation of same, or his predecessor in title, at his or their own expense.

"The words 'let to be used,' in the sixteenth section of 'The Landlord and Tenant (Ireland) Act, 1870,' and in the fifty-eighth section of 'The Land Law (Ireland) Act, 1881,' shall be construed to mean 'let by express contract in writing or otherwise.'"

The object of the clause is to enable those farmers for whose benefit the Act of 1881 was passed to get an opportunity of having a fair rent fixed for their farms. I believe the decision come to in the Limerick Land Court in 1882 has excluded thousands of farmers from the benefits of the Act of 1881. The decision to which I refer was that in the case of "O'Cleary *v.* Gascoyne." Mr. Patrick O'Cleary, of Limerick, served an originating notice to get a fair rent fixed. The landlord raised the defence that the farm was let solely or mainly for pasturage. The Sub-Commission, however, decided in favour of Mr. O'Cleary. His farm was a very large one, and his rent was £840. The Sub-Commission reduced the rent by £280. The landlord appealed, and brought the case before Judge O'Hagan, and the Court reversed the decision of the Court below. Mr. O'Cleary held his farm under an old lease which terminated in 1875, at a rent, I think, of 36*s.* an acre. Mr. O'Cleary's father had expended over £4,000 in improving the farm, and the rent was raised at one stroke from 36*s.* to 63*s.* an acre. In that way the £4,000 invested by the tenant in improvements was confiscated. At the termination of the lease Mr. O'Cleary was compelled, under a threat of eviction, to sign a yearly lease. Among other things, this lease provided that, in the event of eviction, he should have no claim for compensation for improvements either in law or equity; and, secondly, that though he had permission to meadow his land, he could not sell the hay. It is that provision which has excluded Mr. O'Cleary and thousands of other tenants from the benefits of the Land Act. There are in my county, on one estate, very nearly 300 tenants who are unable to avail themselves of the benefits of the Act of 1881. There is not one tenant on the property whose case has not been decided by this one decision, except those the valuation of whose farms is under £50 a-year. All the other tenants have been excluded from the benefits of the Act by virtue of this decision. I believe that in County Clare there are over 2,000 tenants who have been excluded from the benefits of the Act of 1881 by this decision, and my Amendment is to give all these tenants an opportunity of going into Court and getting a fair rent fixed. If it can be proved that these tenants voluntarily entered into an arrangement or contract with their landlord, either verbally or in writing, binding them to graze their farms, then they will get no benefit. They cannot get an opportunity of getting a fair rent fixed, except in the few exceptional cases which will be met by Sub-sections A and B. If the Government oppose this Amendment, then their position will simply go to prove the truth of the proposition that a landlord has a right to charge a tenant rent for improvements. Mr. O'Cleary is paying £3 3*s.* an acre as rent, whereas in 1875 he only paid 36*s.* an acre. He expended £4,000 in improving the property, and therefore he is paying an additional rent of 28*s.* an acre upon his own expenditure of £4,000. I seriously ask the Government if they mean to maintain that such a state of things is equitable? If this Amendment is accepted, it will be of considerable advantage to thousands of tenant farmers in Ireland; it will enable them to go into Court and get fair rents fixed. If, on the other hand, it is rejected, we shall have to take very good care to tell the electors of England that this Government maintain that men like Mr. O'Cleary can be forced by their landlords to pay rent on their own improvements.

Clause (Amendment of 44 & 45 Vic. c. 49, s. 58, as to pasture holdings,)—(*Mr. Finucane,*) *brought up*—and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I suppose the reason the Land Act of 1881 excluded grass lettings was because grass farmers were supposed to be in a more solvent position than ordinary tenants in Ireland, and that they had land under such circumstances that their capital was not embarked in the venture. Whatever may have been the reason, I am bound to say that, at present, it is impossible for the Government to consider the principle of the exemptions of the Act of 1881, or to hold out any prospect to the hon. Member that it will be possible to revise the principles on which that Act of Parliament proceeded. The hon. Member has referred to the case of Mr. O'Cleary. Now, Mr. O'Cleary was a wealthy man, and, like other grass tenants, had not to expend much capital on the land. In cases where land can obviously be used for no other purpose than grazing, there is generally no express bargain as to the use to which the land can be put, and it is not desirable that in such cases the tenant should virtually have perpetual tenure.

MR. MAURICE HEALY (Cork): I wish we could believe that the only tenant in Ireland affected by the vote of the House of Commons to-night would be Mr. O'Cleary. Unfortunately, Mr. O'Cleary's case is a typical case in Ireland. There are 10,000 similar cases in the South of Ireland alone, and we can imagine no branch of the Irish Land Question that can be more properly pressed upon the attention of this House than this branch, which is well illustrated by the case of "O'Cleary *v.* Gascoyne." The right hon. and learned Gentleman the Attorney General for Ireland tells us that it is entirely out of the scope of this Bill to deal with the exemptions of the Land Act of 1881. I think he must have forgotten to some extent what has been already proposed. Is he aware that one of the exemptions from the Land Act of 1881 was leaseholders? That was a very important branch of the exemptions from the Land Act of 1881, and I am under the impression that one of the provisions of this Bill is a provision which puts an end to that exclusion. The right hon. and learned Gentleman may also have heard that town parks were excluded from the provisions of the Land Act of 1881, yet we were engaged a few days ago in framing a clause which made a great inroad upon that exclusion. If it is possible to deal with the exemptions in the case of leaseholders and town parks, what reason can there be for refusing a revision of the legislation in the Act of 1881 on the subject of grass lands? Unfortunately, we are not merely dealing with the Land Act of 1881. If the Land Act of 1881 had been administered on the same lines as the Land Act of 1870; if the Courts of Ireland, and more particularly the Court of Appeal, had construed the exclusion of pasture farms as they appeared to be in the habit of construing it under the Act of 1870, a large portion of the difficulties now felt on this subject would have been obviated. Unfortunately, ever since the Act of 1881 was passed, the Courts of Ireland seem to have set themselves the task of widening and enlarging to the utmost degree every little nook and cranny which was left in that Act as a means for working injustice and supporting the landlord. There is not a single one of the exemptions contained in the Land Act of 1881 on which decisions have not been come to by one or other of the Courts of Ireland enormously enlarging the scope of the exemptions. In regard to pasture land, we have always understood that in the case of what is called ancient pasture land there is an implied contract that the land shall not be broken up. No one for a moment contends that land which comes under that description was not excluded from the Act of 1881. But the point of the case is, that although there was no express contract in the past, and although there was no implied contract, the Courts in Ireland—and I am sorry to say they were confirmed by the highest Court in Ireland and the House of Lords—came to the decision which the hon. Member has mentioned, and decided that neither an express nor an implied contract was necessary, and that they would come under the clause of the Land Act which enacted that land for pasture should be excluded from the operation of the Act. With great respect for the Judges, if the landlord has not himself provided by express contract as to the manner in which the land should be used, and if the land is not of such a character that the law will imply a contract as to the particular manner in which it would be used, then I say that the Court has made a mistake, and it would be a proper act on the part of the Legislature to rectify that mistake. The real importance of the Amendment is that it raises the point as to whether grazing holdings ought to be excluded from the Act. We raised the figure from £50 to £100 in the Act of 1881 when we were dealing with the question of contract, and I think that would be a very proper precedent to follow now. The sum of £50 is a very common valuation in the counties of Westmeath and Tipperary, and the effect of the provision in the Land Act is to exclude a very much larger number of cases than was contemplated by the Legislature when they were framing the Land Act of 1881. Similar proposals have been made in this House from time to time, and it seems to me that when you are making an alteration of the area to which the Land Act has been applied, no stronger case can be made than on this question of grazing land.

Mr. COX (Clare, E.): It seems that the right hon. and learned Gentleman has put down his foot on this Amendment. I have heard of the case cited by my hon. Friend; but there is another very important case—namely, that of "O'Brien *v.* Bright," of which the right hon. and learned Gentleman will probably have heard. This case the Judges decided in favour of the tenant, who had appealed to the higher Court; and the result was that the decision of the Land Commissioners was reversed. If the right hon. and learned Gentleman maintains the position which he has taken up on this question, the result will confirm the statement of my hon. Friend, that thousands of tenant farmers in Clare, Roscommon, and other parts of Ireland will be shut out from the benefit of the Act. The lands there are such as cannot be used for any other purpose than that of pasture; they are totally unfit for cultivation. The only means of subsistence which these tenants have is derived from the cattle and sheep grazing on the land, and I ask whether these men are not to derive any benefit from this Act? In the case I have referred to, in which the decision of the Sub-Commissioners was reversed, the landlord appealed, but did not proceed further; in that case a fair rent was fixed, and the tenants are now enjoying the benefit of the Act of 1881. That being so, I ask why the tenants in the South of Ireland are to be debarred from all the benefit of the Act? I repeat that the position taken up by the right hon. and learned Gentleman will bring consternation to thousands of tenants who are expecting to receive benefit from this Act, and I have received hundreds of letters urging me to bring this matter under the notice of the Government.

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I appeal to hon. Gentlemen opposite not to protract the proceedings. It must be perfectly obvious that, if every such clause as this be debated as if the House were engaged on the second reading of the Bill, it is impossible to say when the proceedings on this stage will terminate.

Mr. O'DOHERTY (Donegal, N.): The lecture which the right hon. Gentleman has just given us might have been better deserved if we could be sure that the Government understood the subject before the House.

Mr. W. H. SMITH: I understand the object of the hon. Gentleman.

Mr. O'DOHERTY: I do not know, Mr. Speaker, if you consider it in Order that hon. Members should be interrupted in their arguments in the debates of the House, even though the right hon. Gentleman may understand my object. I am speaking on a matter which is of vital importance to thousands of tenants in Ireland, and I say that there has never been anything which has created so much consternation in Ireland as the case my hon. Friend has referred to. It is very hard that the Government should grudge us the half hour which has been devoted to this question, when we know that hours and days have been consumed over points of comparatively less importance. I am afraid that the effect of the right hon. Gentleman's affronts to Members on these Benches will not be to smooth or shorten the discussions on the Bill. The effect of this section might, I think, have stopped at saying that "This Act shall not apply to any holding which is not either agricultural or pastoral." It is a strange thing I say that in the case of holdings of the same kind, held for the same period, and by members of the same family, one portion of them should come within the Act and another be beyond it. We find that the man who improves his holding and has his rental raised ceases to be within the Act—he is excluded from it altogether; but another man, who has been described as the lazy tenant who waited for the passing of the Act, is to get the full benefit of this Bill. I ask the Government what they are going to do with these cases which stare them in the face, not in one district alone, but in every part of Ireland? In Ulster, where a man has invested his fortune in farm improvements he is to be subject to confiscation, just as in the case referred to by my hon. Friend. We find that one town park is to be exempted from the Act, whereas another half-a-mile away is to come within it. That is the way in which the whole of this legislation has gone, and the decisions of the Judges in Ireland have made it still worse. The improvement we seek to make is an important one—namely, that where the farm is one on which the tenant resides the Act shall apply to any holding not exceeding £200, if used or originally laid down for pasture. There is very little difference in principle between £50 and £200, so far as this part of the Bill is concerned; and if the real test is to be that which the Attorney General for Ireland has applied—namely, independence and insolvency, I think it more likely to fail at £200 than at £50. We cannot see why, in the case of two farms which have come down under similar conditions, one should come under the Act, because the tenant lives on it, and the other should be excluded, because the tenant has ceased to reside on it. There are many points in this Act which, to me, seem simply unintelligible, and I think the Government ought to show a disposition to meet the very modest proposals we make for the purpose of improving it.

Question put,

The House *divided*:—Ayes 43; Noes 180: Majority 137.—(Div. List, No. 356.) [12.35 A.M.]

MR. MAURICE HEALY (Cork): I beg to move the following New Clause to be inserted after Clause 9, in page 8:—

"A letting made by or under the authority of the Chancery Division of the High Court of Justice in Ireland, or any Judge thereof, shall not be deemed to be a letting for the temporary convenience, or to meet a temporary necessity either of landlord or tenant within the meaning of the fifty-eighth section of 'The Land Law (Ireland) Act, 1881,' and the said Act, and this Act shall apply in the case of any such letting, in like manner in all respects as if such letting were a valid letting by the landlord for the time being."

I should imagine that very few Members of this House, when they were passing a clause of this kind, knew that they were excluding from the Land Act a tenant who held under the Court of Chancery. These tenants are, perhaps, not a very large class; but still there is a considerable area of land in Ireland comprised in those estates which for one reason or another are under the jurisdiction of the Court of Chancery. Of course, all the tenants of these estates are not excluded from the benefits of the Act by reason of their holding, but a large number of them are. I maintain that a holding for seven years ought not to be considered a holding for temporary convenience. It is not for the convenience of the owner, nor for the convenience of the tenant—the estate is administered by the Court of Chancery, and there is no one, under such circumstances, in a position to make a valid letting to the tenant. As I have said, the number of tenants who will be excluded are relatively small; still, I hold they amount to a considerable number all over Ireland. They are a deserving class of tenants, and they have their holdings at a very high rent. The land in the Court of Chancery is put up to auction, and I hold there is no class of tenants more entitled to the benefits of remedial legislation than those holding under Chancery leases.

Clause (Law as to Chancery lettings,)—(*Mr. Maurice Healy,*)—*brought up,* and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I would point out that the temporary lettings which the hon. Member has in view were excluded from the operation of the Land Act of 1881. The proposal of the hon. Member is that in the future, when the Court of Chancery makes what it intends to be a temporary letting, it shall be a letting for ever. Such a change in the law would inflict tremendous injury on minors and lunatics, on whose behalf the Court acts; and the Government, therefore, cannot agree to it. I hope the hon. Gentleman will be satisfied with having brought forward the Amendment, and I trust that he will not press it.

MR. CHANCE (Kilkenny, S.): The principle upon which the right hon. and learned Gentleman objects to this clause is a very curious one—namely, that, while a perfectly sane person, who takes the responsibility of the management of his own land, has to submit to the ordinary law, therefore, because a person happens to be a lunatic or a minor, a special Providence is to watch over his fortunes, and the Court of Chancery is to save him, under the Land Act of 1881, from all the ordinary duties of property. I cannot conceive why a minor should be entitled to evade the law, or why there should be any special exemption made in favour of a lunatic, or why the tenant of a lunatic should be in a worse position than the tenant of a sane man. However, to maintain this distinction seems to be the object of the right hon. and learned Gentleman, and I congratulate him upon that object. Of course, the exemptions in the Land Act of 1881 deal with those made for a "temporary purpose;" and it is a very curious thing that, under that phrase or exception, the Land Courts have held holdings which have existed for 20 or 30 or 40 years, while lunacy proceedings have been pending, to be temporary holdings. I grant you that the reign of a Conservative majority may be temporary, although it numbers over a 100; but I cannot understand this temporary principle in the matter under discussion. Under the Act of 1881 you had the case of tenants who could be put out with six months' notice; and, on the other hand, you had leases of seven or 14 or 21 years pending the recovery or death of a person who was a lunatic. These were temporary tenants, and yet the tenant from year to year who, if you like, is in the temporary possession of his holding, is looked upon as a tenant who cannot be put out of his holding. I trust that a Division will be taken upon this clause, and that Her Majesty's Government and their supporters will show by their votes in the Lobby what an extreme and phenomenal tenderness they have for those most afflicted of Her Majesty's subjects.

Question put, and *negatived.*

MR. HALDANE (Haddington): I beg to move, in page 17, after Clause 21, to insert the following clause:—

"Where a mortgagee sells to a tenant his holding, it shall be lawful for the Land Commission, if they are reasonably satisfied that such sale is not a sale at an undervalue, or otherwise inequitable, to make such advance or advances, and otherwise facilitate the sale to such tenant, under the Land Law (Ireland) Acts, in the same manner and to the same extent as if such mortgagee were the landlord."

Under Lord Ashbourne's Act of 1885 the landlord was enabled to obtain the intervention of the Land Commission, who might make advances and otherwise facilitate the purchase by the tenant. Now, there are a number of cases in Ireland where the real landlord is the mortgagee, who, in his own interest, does not think it worth while to foreclose and make himself nominally, as well as really, the owner of the property. Such a mortgagee has of course, in ordinary cases, the power of sale; and it is proposed, therefore, to enable him to sell to the tenant, through the intervention of the Land Commission, under the Act of 1885; and it is for that purpose that I propose this clause. The landlord's interest is carefully safeguarded with a view to meet objections by the introduction of the words applied to the Land Commission—"If they are reasonably satisfied that such sale is not a sale at an undervalue, or otherwise inequitable." I beg to move this clause.

Clause (Sales to tenants facilitated in certain cases,)—(*Mr. Haldane,*)—*brought up,* and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I would point out that a mortgagee in Ireland, when he wishes to realize, has to present an application for sale, and the property is sold by order of the Court. The proposed clause would be a serious innovation on Lord Ashbourne's Act, and would give the mortgagee powers to swoop down on the property without regard to other encumbrances. There is no such thing in Ireland as foreclosure. I fully recognize the fairness of the spirit in which this proposal is made; but it would be a very serious thing if the proposal were carried out. In the abstract, there is much to be said in favour of the proposal, but the practical operation would be hardly consistent with what I think is the spirit of legislation found in Lord Ashbourne's Act. I trust the hon. and learned Gentleman will not think it necessary to press the clause to a Division.

MR. CHANCE (Kilkenny, S.): I defy the right hon. and learned Gentleman to prove there is one word in this Amendment increasing the rights of mortgagees. For the purpose of his argument, it was necessary for the right hon. and learned Gentleman to make the alarming statement that a mortgagee in Ireland had to go into Court and get an order for sale before he could realize his security. Does he hold to that?

MR. GIBSON: Certainly. There is no such thing in Ireland as foreclosure, as laid down by every text book on the subject; but there may be a power of sale in the mortgage.

MR. CHANCE: It has been said that Lord Ashbourne's Act is an Act for the purpose of facilitating sales by landlords to tenants. The title of the Act is—"An Act to provide greater facilities for the sale of land to occupying tenants in Ireland." There is not a solitary word as to whom the seller is to be. What happens under Ashbourne's Act? There are landlords in Ireland who are heavily mortgaged; but they have still an interest in the land. These men have an interest in realizing the best price they can for the land. Another class of landlords is that which is utterly ruined. These men do not sell under Ashbourne's Act to their tenants, and the reason is plain. They have no interest in the sale. They say to themselves that the utmost price realized will not be sufficient to pay off the mortgage itself. They say—"We will remain as landlords, we will stand between the mortgagee and the tenant; we will get the rents and live on as much as we can keep back from the mortgagees." I appeal to the right hon. Gentleman the Chancellor of the Exchequer to state his views upon the present state of the law, which prevents mortgagees realizing by sales to the tenants under Ashbourne's Act.

MR. O'DOHERTY (Donegal, N.): It is quite plain that the proper course to pursue is to allow the parties who have now the ownership in fee to part with it as quickly as possible to those whose interest is bound up in the soil.

Question put,

The House *divided*:—Ayes 78; Noes 166: Majority 88.—(Div. List, No. 357.) [1.35 A.M.]

MR. HALDANE (Haddington): Notwithstanding the presistent opposition with which every new clause has been met by the Government, I feel myself bound to move the following Clause which I have placed on the Paper for the purposes of enabling the Land Commissioners to deal with arrears. In page 20, after Clause 25, insert the following clause—

> "When the Court on application fixes a judicial rent for a holding, the Court shall, in the proceedings on such application, take an account of the amount of arrears of rent due as at the gale day next before making of the application, and may take evidence in regard to the circumstances which have lead to such arrears, and shall decide whether, in view to such circumstances, the whole or any and what part of such arrears ought to be paid, and whether in one payment or by instalments, and at what dates the same should be paid; and the amount and dates so fixed shall be deemed to be the total amount of such arrears due by the tenant, and the dates at which the same become payable."

The right hon. Gentleman the Leader of the House spoke of this clause as taking away from one person his property in order to give it to another. That, I think, was an extraordinary statement on the part of the right hon. Gentleman, who was a Member of this House when the Crofters Act was passed. That Act contained a clause of precisely the same effect, and it had the full assent of the Conservative Party. Now, if this clause is fair in the case of Scotland, why is it not so in the case of Ireland? It is intended to do justice to an unfortunate class of tenants in Ireland, and I think that it is the duty of the Government to place the two countries on an equal footing in the matter of arrears.

Clause—(Power to Land Commission to deal with arrears)—(*Mr. Haldane,*) —*brought up,* and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I hope the hon. and learned Gentleman will forgive me if I decline to go again into a matter which has been debated in this House not once or twice, but many times. The Government cannot accept the Amendment of the hon. and learned Gentleman; but I hope he will not expect me to recapitulate all the arguments that have been urged against the acceptance of the Clause.

MR. CHANCE (Kilkenny, S.): I did not hear the right hon. Gentleman state why there should be a difference between Scotland and Ireland in this matter. I point out that this clause cannot touch judicial rents. Of course, it is said that there is no reason why a tenant who has been into Court, and has had a judicial rent fixed, should be in a worse position than the man who has not gone into Court, and it has been suggested that the tenants who have not gone into Court have shut themselves out of the clause through laziness. It is always said that Irish tenants are ready to rob the landlord when they can, and yet when we ask for this clause to be accepted we are told that they are too idle and lazy. I say, without fear of contradiction, that by far the greater number of tenants who have not gone into Court are those who are labouring under enormous arrears. The landlord never assumes that any attempt will be made to reduce his arrears, and he says to the tenant—"I keep these arrears over you in order that I may have a hold on you. . . . The moment you attempt to get the rent reduced I will come down on you for arrears and sell you up." If any Member of this House will look at the Crofters Act, he will find that the original term is seven years, and at the end of that time the tenant not only gets the rent re-adjusted, but gets arrears of rent wiped out under a clause precisely similar to that which is here proposed. I appeal to the Government to give us a reason why an exception should be made in the case of the Irish tenants, or not to withhold from the latter the advantages which they have so liberally and generously conferred upon the Scotch tenants.

MR. EDWARD HARRINGTON (Kerry, W.): I hope the Government will not leave this point of contention and dissatisfaction in a Bill which promises to be a settlement of the Land Question for some time to come. When a tenant goes into Court to get a fair rent pronounced for his holding, will you leave it in the power of the landlord to deprive him of all the benefits of this Act? When I raised the question of small tenants to-night, it was said that no good could be done by it; but that is the way in which the Government always meet our suggestions. Here is an enormous amount of injustice, and the Government say they will not remove it; although, as has been pointed out, they did exactly what we ask in the case of the crofters. I cannot conceive what objection the Government can have to this Amendment. It is one which will be, so far as its working is concerned, in the hands of the Government. The Government of the day will have the appointing of the Sub-Commissioners, and the Lord Lieutenant will have the sanctioning of the appointments and what is left to the Commissioners is this—that when an application for a fair rent is made to them, they should take into account the amount of the arrears, and make such an order as they consider right which shall spread the arrears or a portion of them over a period of time within which the tenant will have to pay. Why then is this measure of justice not to be served out to the poor people on our coasts and mountain sides? Can the right hon. Gentleman give us any logical basis for that? Is it his patriotism that induces him to say that the Scotch people are entitled to a higher measure of justice than the people of Ireland? I do not give the Government credit for saying that justice impelled them to pass the Crofters Act, but they felt that their scheme would be unworkable unless they adopted in it the principle of the settlement of arrears. Well, does the same principle of expediency drive them on this occasion to something in the nature of a composition of arrears? We, the Irish Members, who were elected by the free voice of the constituencies of Ireland, have we any power of impelling you in that direction? I think it is a duty incumbent upon us, and one which we should not let pass here, to record our protest and to put our fingers upon the blots in this Bill, so that when it breaks down the Government will not be able to say that we were the cause of it, or that the inherent bad qualities of the Irish people were the cause of it. The cause of the failure of all Irish legislation is, as a matter of fact, the inherent bad qualities of that legislation. I am afraid that, so far as the sea coasts and the mountain and bog districts of Ireland are concerned, the people will have no benefit from this Act. They owe so much in the shape of arrears that there will be no chance of their going into Court. No doubt they will make some mock arrangement with the landlords, but they will not really have the benefit of the Act. If you wish to place these people in a satisfactory position you should say to them—"Here is a fair rent which you can arrange upon a just and equitable basis—here is a principle under which you can start fair with your landlord in the future." If you did that, all the people would rush into Court, and you would in that way succeed in establishing that which you profess it to be your desire to establish—namely, confidence all over Ireland in law and order.

MR. MAHONY (Meath, N.): I rejoice in the way in which this Amendment has been submitted. It puts the position of the Government plainly, clearly, and distinctly before us. Here is a grievance the existence of which I defy any hon. Gentlemen opposite to get up and deny. Every hon. Member, even those sitting opposite, must acknowledge that this question of arrears is a serious and grave one in Ireland. What is the position the present Government have taken up? Why this "Unionist" Government as it calls itself, has led us to believe that it is in favour of equal laws and equal privileges for all parts of the United Kingdom, and yet they are not ready to mete out the same measure of justice to the unfortunate Irish tenants that this House has already meted out to the Scotch tenants. Will anyone say that the circumstances are not pressing in Ireland? I acknowledge that the blame and responsibility does not rest so much with hon. Members opposite. We expect them to uphold what they call the sacredness of rent—we expect them to object to the infringement of what they consider to be the landlord's rights. But where is the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain)? I understood that he had been studying this question. I understood that this question of arrears was in a sort of way especially under his charge, and that he professed to feel very deeply for the poor tenants of Ireland—that in fact so deeply was he concerned about them that he felt it absolutely necessary that they should have some relief for their arrears. Well, the banquet is over, but still we do not find the Unionists in their places to-night. I hope the hon. Member for South Tyrone (Mr. T. W. Russell) is satisfied with the support he received from his Unionist Friends. I hope he will be satisfied with the support he will receive for the Amendment he has on the Paper, and which he intends to move in a short time. I venture to think he will be able to count on the fingers of his hand the support he will get from Members of his own Party.

Question put.

The House *divided:*—Ayes 86; Noes 144: Majority 58.—(Div. List, No. 358.)

[1.45 A.M.]

MR. CHANCE (Kilkenny, S.): I beg to move the insertion of the following clause:—

> "Where an absolute order for the sale of land is made by a Judge of the Chancery Division of the High Court of Justice in Ireland, it should be lawful for a Judge of the said Division to make, upon such terms as he thinks fit, a temporary abatement in the rent due or to become due from, or a remission of part of the arrears of rent due from, a tenant of a holding on such land, if, having regard to all the circumstances of the case, and the parties, owners, petitioners, or incumbrancers consenting or refusing to consent thereto, he thinks it equitable so to do."

The right hon. and learned Gentleman the Attorney General for Ireland has told us that within the last few years there has been a reduction of estates in the Landed Estates Court, and that purchasers cannot be found for those estates. That is, unfortunately, the fact; but I would point out that the Landed Estates Court has been established for 30 or 40 years, and that during that period its jurisdiction has been increased to make reductions of rents in the case of tenants of certain lands. I believe that last year the Court of Appeal in Ireland discovered, for the first time, that this jurisdiction, which the Land Judges had exercised to make reductions in rent, did not really exist, and that the Land Judges were no longer entitled to make reductions in rent except with the consent of the owners. The course the Judges used to take saved great trouble, and they frequently declared, when applications were made for temporary reductions, that that was a proper thing to do. I myself have heard several Judges say that that was a proper thing to do; but they hold now that they cannot do it. They say—"The Court of Appeal has decided that what our predecessors have done for the past 30 years we cannot do." Well, the object of my clause is to empower the Land Judges in such cases to make temporary abatements of rent, or to make temporary adjustments of the arrears of rent. I do not believe that the power contained in my clause will be exercised very drastically; and I have safeguarded it by directing the Judge of the Court to regard not only the circumstances of the case, but also to have regard to the parties, owners, petitioners, or incumbrancers consenting or refusing to consent. I have no doubt that if the people most interested in the well-being of the estate refuse their consent the Judge will take it into account. The clause is aimed at preventing nominal owners interposing their shallow rights between the Judge and justice, and preventing his doing what would otherwise be done.

Clause (Jurisdiction of High Court to reduce rents in certain cases,)—(*Mr. Chance,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The Government agree to this clause with some Amendments.

Question put, and *agreed to.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): I would move to insert in the second line of the clause, after the word "Ireland," the words, "and a Receiver has been appointed."

Amendment proposed to the proposed new Clause, in line 2, after the word "Ireland," to insert the words, "and a Receiver has been appointed."—(*Mr. Gibson.*)

Question, "That those words be there inserted," put, and *agreed to.*

MR. GIBSON: I beg to move, in the seventh line, after the word "and," to insert the words, "to the interests of."

Amendment proposed to the proposed new Clause, in line 7, after the word "and," to insert the words, "to the interests of."—(*Mr. Gibson.*)

Question, "That those words be there inserted," put, and *agreed to.*

Further Amendment made, in the last line, to omit the word "equitable," in order to insert the words, "just and expedient."

Clause, as amended, *added.*

MR. SEXTON (Belfast, W.): I think it would be convenient for us now to adjourn, considering that we have to be here again in the course of about 10 hours. The proposal that stands next upon the Paper is one of great importance, and I do not think could be properly dealt with at this late hour.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): It would be a convenience to the House if we were allowed to finish the new clauses to-night. Of course, I am only stating what is my view of the convenience of the House. It would be undesirable that any new clause should come up to-morrow. I desire that full time should be given to the consideration of the Amendments to the clauses as they stand for to-morrow. Therefore, I suggest to hon. Gentlemen that they should proceed to consider the only new clause which, I think, remains for consideration, and enter upon the first Amendment. When we get to that Amendment we will at once move that the further consideration be postponed till to-morrow.

MR. MARJORIBANKS (Berwickshire): I trust hon. Gentlemen will finish the new clauses to-night. The right hon. Gentleman the Member for Newcastle-upon-Tyne (Mr. John Morley) will not be present to-morrow, and I know that it is his wish that the new clauses should be disposed of at this sitting.

MR. CHANCE: I trust that we shall be allowed to adjourn now. We will not put down any new clause, except one on the same lines as the clause of the right hon. Gentleman the Member for Newcastle-upon-Tyne (Mr. John Morley), and that will only leave us two new clauses to take to-morrow.

MR. W. H. SMITH: I certainly have no objection whatever to the adjournment of the debate at this point, if there is a distinct understanding that the debate on the Bill shall conclude before a quarter to six to-morrow. I desire to meet the wishes of hon. Gentlemen generally, and if there is not such an understanding as I mention, it is obvious that it will be to the convenience of the House that we should proceed until we come to the Amendments.

MR. PARNELL (Cork): I think that as we have already discussed the clause, which stands in the name of the hon. Member for North Cork (Mr. Flynn), it will only be necessary to take a Division upon it, and that, as the right hon. Gentleman the Member for Newcastle-upon-Tyne (Mr. John Morley) does not intend to move his clause, which leaves only two clauses on the Paper, it would be the preferable course to finish the new clauses to-night.

MR. FLYNN (Cork, N.): I beg to move the new clause standing in my name.

New Clause—

"It shall be competent for the Land Commission on the application of one or more tenants on any estate, or of the landlord, to draw up a scheme regulating the use by the tenants on that estate of any seaweed or seasand or limestone for the reasonable purposes of their holdings, any turbary, any heather or grass for thatching purposes, or any mountain grazing of which they or their predecessors were substantially allowed the use, whether by annual agreement or otherwise, for four years preceding the passing of 'The Land Law Act, 1881;' and it shall be competent for the Land Commission to fix for each tenant a fair annual value to be paid for such use by said tenant in addition to the annual rent of his holding. Any right or rights professed to be conferred on any tenant by a scheme under the provisions of this section shall be deemed to be a right or rights appurtenant to his holding, and, in case of a judicial tenancy, the provisions of such scheme shall, so far as they impose any obligation on the tenant or limitation of his rights, be deemed to be statutory conditions. It shall be competent for the Land Commission to make any order which they may deem necessary for the purpose of carrying into effect a scheme made under this section.

"Provided, that if the tenant of a holding has had, or shall hereafter have, a fair rent fixed thereon on the assumption expressed or understood that as regards rates, cesses, turbary, seaweed, seashells, mountain grazing, lime, limestone, or the like, that the practice, usage, and fees in respect thereof, theretofor on the average of four years previously in operation as regards such tenant or his predecessors, would continue during the statutory term, then if the landlord refuses to continue such practice, usage, or fees, or if the tenant fails during the statutory term, without default on his part, to have the benefit thereof, the Court shall have power to revise the judicial rent, and make such provision in lieu thereof as may be agreed on between the parties, or as to the Court shall seem right, and on the hearing of an application under this section, it shall be competent for the Court to inquire into the circumstances attending the hearing of the fair rent application, and shall not be precluded by the record from such inquiry, if an error, omission, or mistake appears to have actually occurred therein."

Clause (Regulating the use by the tenants of seaweed or limestone, mountain grazing, &c.,) — (*Mr. Flynn,*)—*brought up,* and read the first time.

Motion made, and Question, "That the said Clause be now read a second time," put.

The House *divided:*—Ayes 79; Noes 143: Majority 64.—(Div. List, No. 359.) [2.10 A.M.]

MR. MAHONY (Meath, N.): I beg to move the following new clause standing in my name, the object of which is to give to the tenant farmers of Ireland power in certain cases to give to a *bonâ fide* labourer one acre of land:—

"Each letting which may hereafter be authorised under the provisions of section eighteen of 'The Land Law (Ireland) Act, 1881,' may comprise land not exceeding one acre in extent, notwithstanding anything in that section contained."

Clause (Amendment of 44 & 45 Vic. c. 49, s. 18,)—*Mr. Mahony,*)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. A. J. BALFOUR: This question has been discussed in Committee. I suppose it is not desired it should be again discussed, and that it is simply moved by the hon. Gentleman as a protest.

MR. PARNELL (Cork): You allow the English labourer to have an acre of land, and we feel that it is very hard that you will not grant the same privilege to the Irish labourer.

Question put.

The House *divided:*—Ayes 82; Noes 135: Majority 53.—(Div. List, No. 360.) [2.20 A.M.]

Amendment *negatived.*

Amendment proposed, in page 1, line 8, to leave out the word "any," and insert the word "his."—(*Mr. Serjeant Madden.*)

Question proposed, "That the word 'any' stand part of the Bill."

Motion made, and Question, "That "That this Debate be now adjourned,"—(*Mr. A. J. Balfour,*)—put, and *agreed to.*

Debate adjourned till *To-morrow.*

MOTIONS.

METROPOLITAN POLICE BILL.

Read a second time, and *committed* to a Select Committee of Five Members, Three to be nominated by the House, and Two by the Committee of Selection.

Ordered, That all Petitions presented against the Bill, before the meeting of the Committee, be referred to the Committee; that the Petitioners praying to be heard by themselves, their Counsel, or Agents, be heard against the Bill, and Counsel heard in support of the Bill.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That Three be the quorum.—(*Mr. Secretary Matthews.*)

TECHNICAL SCHOOLS (SCOTLAND) BILL.

On Motion of The Lord Advocate, Bill to facilitate the Establishment of Technical Schools in Scotland, *ordered* to be brought in by The Lord Advocate, Mr. Solicitor General for Scotland, and Sir Herbert Maxwell.

Bill *presented,* and read the first time. [Bill 358.]

MUNICIPAL REGULATION (CONSTABULARY, &C.) (BELFAST) BILL.

Ordered, That Mr. Whitley, Sir James Corry, Mr. Sexton, and Colonel King-Harman be Members of the Select Committee on Municipal Regulation (Constabulary, &c.) (Belfast) Bill.

Ordered, That it be an Instruction to the Select Committee on Municipal Regulation (Constabulary, &c) (Belfast) Bill that they do report the Bill on or before Monday 15th August.—(*Colonel King-Harman.*)

BANKRUPTCY COURTS (IRELAND) BILL.

Ordered, That Mr. Serjeant Madden, Mr. Ewart, Mr. Matthew Kenny, and Mr. Sexton be Members of the Select Committee on the Bankruptcy Courts (Ireland) Bill. — (*Mr. Sexton.*)

MUNICIPAL REGULATION (CONSTABULARY, &c.) (BELFAST) [SALARIES].

Motion made, and Question proposed,

"That this House will, upon Monday next, resolve itself into a Committee to consider of authorising the payment, out of moneys to be provided by Parliament, of a portion of the Salaries of any additional Police Magistrates for the borough of Belfast, that may be appointed under any Act of the present Session to amend the Acts relating to the Royal Irish Constabulary, and to make provision for the appointment of a Watch Committee in Belfast, and for other purposes in relation thereto," (Queen's *Recommendation* signified):—Debate arising.

Debate adjourned till *Monday* next.

House adjourned at a quarter before Three o'clock.

HOUSE OF COMMONS,

Saturday, 6th August, 1887.

MINUTES.]—PUBLIC BILLS—*First Reading*—Secretary for Scotland Act (1885) Amendment * [360].

Second Reading — Tramways (Ireland) Acts Amendment [338], *debate adjourned.*

Select Committee—Metropolitan Police * [321], *nominated.*

Considered as amended—Third Reading — Irish Land Law [355], and *passed.*

QUESTIONS.

CIVIL SERVICE (IRELAND)—CASE OF MR. W. J. BAYLEY, LATE OF THE REGISTRAR GENERAL'S OFFICE, DUBLIN.

MR. MURPHY: (Dublin, St. Patrick's) asked the Secretary to the Treasury, When may Mr. William J. Bayley, late of the Registrar General's Office, Dublin, expect the re-employment which the Treasury last year promised that he would get when a suitable vacancy occurred; and, whether Reports about him have since been received at Dublin Castle, which had the effect of delaying or destroying his prospects of re-employment; and, if so, will any such Reports be produced, that Mr. Bayley may have an opportunity of refuting them.

THE SECRETARY (Mr. JACKSON) (Leeds, N.), in reply, said, there had not been time since this Question appeared on the Paper to receive any Report from Dublin as to the points stated; but as soon as such Report was received he would communicate with the hon. Member.

LAW AND JUSTICE (IRELAND) — CASES OF FELONY TRIED IN DUBLIN—REPAYMENT OF COSTS OF PROSECUTIONS.

MR. MURPHY (Dublin, St. Patrick's) asked the Secretary to the Treasury, Whether the Corporation of Dublin have to pay in the first instance, on the order of the Clerk of the Peace, to any prosecutor or other person named in the order, such costs as the Judge or Recorder might award in cases of felony tried in Dublin; whether the Treasury, in 1859, undertook to repay the costs of those prosecutions, and did they in fact do so down to 1885; if, in that year, and frequently since, considerable portions of the costs awarded by the Judges and paid by the Corporation have been disallowed by the Treasury as being in excess of the "Treasury scale," although the Courts do not recognize this scale; were some of the prosecutions, in respect of which disallowances have been made, against fraudulent bankrupts from other parts of Ireland; by what authority, statutable or otherwise, do the Treasury prescribe their scale of costs or apply it to those repayments; and, will the Treasury simplify this matter in future by paying the costs direct to the person named in the Judge's order, or will they at least refund the full amounts paid by the Corporation?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton) said, the hon. Member would, perhaps, allow him to answer the Question. The answer to the first paragraph of the Question was, yes. In answer to the second paragraph, he had to say that in 1859 an arrangement was come to with the Treasury by which they agreed to bear a certain proportion of costs of witnesses in cases of felony. Costs which were in excess of the Treasury scale had been disallowed. In cases of prosecutions against bankrupts the Treasury scale must be applied; and where they had been exceeded the costs must be taken out of the borough or county. The Treasury prescribed a scale of costs in pursuance of the arrangement come to, and not under the terms of an Act of Parliament, and the Treasury were bound in no way to make any payment over and above such scale. The costs of prosecutors and witnesses should be borne by the county or borough.

In reply to Mr. MURPHY,

MR. GIBSON said, under the Statute the costs of witnesses and prosecutor should be borne by the county; and it was only in accordance with the arrangement he had mentioned that the Treasury bore any of these costs; and any costs over and above the Treasury scale must, according to Act of Parliament, be paid by the county or borough.

LAND (IRELAND) — INCIDENCE OF TAXATION.

MR. PENROSE-FITZGERALD (Cambridge) asked the First Lord of the Treasury, Whether, having regard to the recent land legislation for Ireland, he can hold out any hope of an inquiry into the incidence of taxation upon land in Ireland, including the tithe rent-charge?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): The Government are very well aware of the hardships which the owners of land in Ireland suffer under the recent land legislation, in that they have to meet fixed charges which have been imposed upon the land under very different circumstances from those which now exist, and we should be exceedingly glad if it was in our power to hold out any hope of affording relief to the persons who are suffering from these serious hardships; but considering the responsibility which attaches to them, the Government cannot hold out any expectation that it may not be in their power to realize in any great degree. All, therefore, that I can promise my hon. Friend is that the Government will give their very serious consideration to the subject to which he has drawn attention; and, if it be in our power in any way to suggest measures of relief, we shall be very glad to do so.

ORDER OF THE DAY.

—o—

IRISH LAND LAW BILL.—[BILL 355.]

(*Mr. A. J. Balfour.*)

CONSIDERATION. ADJOURNED DEBATE.

Clause 1 (Leaseholders).

Order read, for resuming Adjourned Debate on Amendment proposed to Question [5th August], on Consideration of Bill, as amended.

And which Amendment was, in page 1, line 8, to leave out the word "any," and insert the word "his."—(*Mr. Serjeant Madden.*)

Question again proposed.

Debate *resumed.*

Question, "That the word 'any' stand part of the Bill," put, and *negatived.*

Question, "That the word 'his' be there inserted," put, and *agreed to.*

MR. SERJEANT MADDEN (Dublin University) said, he begged to move an Amendment to correct what appeared to him to be an error in passing the Bill through Committee. In the Bill, as it came from the House of Lords, the clause provided that a lessee should be deemed to be a present tenant in like manner and subject to like conditions and the same right of resumption "as if his lease had expired." In Committee in this House the words quoted had dropped out, and he submitted that the meaning and intention of the clause evidently required that they should be reinstated.

Amendment proposed, in page 1, line 17, after the word "resumption," to insert the words "as if his lease had expired."—(*Mr. Serjeant Madden.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton) thought that the words "in like manner and subject to like conditions" must refer in some way to the expiration or the determination of the lease; but, while inclined to look favourably on the Amendment, he suggested that the subject should be discussed on the broader issue raised in a subsequent Amendment in the name of the hon. Member for West Belfast (Mr. Sexton).

MR. MAURICE HEALY (Cork) submitted that the section should be left just as it was. This was an Amendment which might lead to mischief.

MR. O'DOHERTY (Donegal, N.) said, the words "as if his lease had expired" were most dangerous, and would have a most disastrous effect upon the interests of leaseholders. In the North of Ireland alone it would affect 100,000 leaseholders and £20,000,000 of property, in houses, buildings, and farms, all of which would be transferred at one swoop to the landlords from tenants whose rents would be proportionately raised. If the clause were amended as the hon. and learned Member proposed, he (Mr. O'Doherty) would strongly advise no leaseholders to go into Court. It would be sheer folly and madness to do so. At the same time, it was absolutely necessary, in the interests of the leaseholders, that the 1st clause should be materially modified. There could be no doubt that the intention of Government was to put the leaseholders into the enjoyment of their rights under the Land Act of 1881; but if the Amendment were adopted, everything of value would be taken from them, and the Bill would become a mere mockery and snare. If the Government chose to retain the clause without any provision for the leaseholders' improvements, the whole measure, so far as the leaseholders were concerned, would be unworthy of consideration. It would simply provide that any leaseholder, when he went into Court, should get the benefit of a fall in prices, but not the benefit of his own improvements.

MR. GIBSON said, the adoption of the Amendment would simply have the effect of enabling the discussion to be more satisfactorily conducted on the subsequent Amendment of the hon. Member for West Belfast.

MR. SEXTON (Belfast, W.) said, he did not think the House ought to treat the speech of the hon. Member for North Donegal (Mr. O'Doherty) with indifference, seeing that the hon. Member was dealing with a subject with which he was intimately acquainted. He thought the hon. and learned Member for the University of Dublin (Mr. Serjeant Madden) would incur great responsibility if he succeeded in carrying his Amendment. It would amount to this—that the property and fortunes of a large number of tenants in Ireland, whose condition had been weighed, sifted, and scrutinized for weeks, were now to be sacrificed at the eleventh hour. The Amendment would altogether change the meaning of the clause, and he would, therefore, appeal to the hon. and learned Member not to persist with it, but to allow the discussion to take place upon the Amendment of which he (Mr. Sexton) had given Notice. If the only object of the hon. and learned Member was to make the meaning of the clause clear, it was obvious that that object would be more effectually secured by the acceptance or rejection of the subsequent Amendment.

MR. SERJEANT MADDEN said, he was sorry he could not accede to the suggestion. It was of essential importance, in the first instance, to decide one way or the other whether or not the tenant was to be considered as holding after the expiration of his lease. When that condition was clearly defined it would be competent for the House to engraft any further provision upon it.

Question put.

The House *divided:*—Ayes 106; Noes 60: Majority 46.—(Div. List, No. 361.)

Mr. MAURICE HEALY moved to replace the words "the Land Law (Ireland) Act, 1881," by the words "this Act," thus extending by six years the period provided by the Bill.

Amendment proposed, in page 1, line 22, by leaving out the words "The Land Law (Ireland) Act, 1881," and inserting the words "this Act."—(*Mr. Maurice Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchetser, E.) said, he must object to the Amendment.

Question put, and *agreed to.*

Mr. MAURICE HEALY moved to insert the following words in line 26:—

"A lease limited to continue for any life or lives with any term of years concurrent or in reversion, and a lease limited to continue for any term of years with any life or lives concurrent or in reversion (not being any such convertible lease as aforesaid) shall also be deemed to be a lease so expiring, provided that the term of years in any such case does not exceed 99 years from the passing of 'The Land Law (Ireland) Act, 1881.'"

This, he contended, was an Amendment to which, in Committee, the Government had practically consented.

Amendment proposed,

In page 1, line 26, after the word "expiring," to insert the words—"A lease limited to continue for any life or lives with any term of years concurrent or in reversion, and a lease limited to continue for any term of years with any life or lives concurrent or in reversion (not being any such convertible lease as aforesaid), shall also be deemed to be a lease so expiring, provided that the term of years in any such case does not exceed ninety-nine years from the passing of 'The Land Law (Ireland) Act, 1881.'"—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

Mr. GIBSON said, that this was not exactly the case; but he would accept the principle of the Amendment if a few changes were introduced into it. As the Amendment stood, it might give the tenant the lives which might be worth 60 years in addition to the 99 years. If that difficulty could be obviated without drafting a very long clause, they would be willing to meet the views of the hon. Member.

Mr. O'DOHERTY said, that there was no question of principle at stake, the difficulty being purely one of drafting.

Mr. MURPHY (Dublin, St. Patrick's) expressed a hope that a compromise would be effected.

Mr. MAURICE HEALY withdrew his proposal, and moved it in an amended form.

Amendment, by leave, *withdrawn.*

On the Motion of Mr. Maurice Healy, the concluding paragraph of Section 1, bringing leaseholders within the purview of the Act, was amended as follows:—

"This section shall apply only to leases expiring within 99 years after the passing of 'The Land Law (Ireland) Act, 1881,' and every lease limited to continue for any life or lives, and every lease existing at the passing of 'The Land Law (Ireland) Act, 1881,' for any life or lives then existing for a period not exceeding 99 years where such term is concurrent, or 31 years where such term is in reversion, and not being renewable in any case."

Mr. O'DOHERTY, in moving to add the following sub-section after Clause 1:—

"On the hearing of an application under this section, the Court may, if it thinks it just and reasonable, deem any person in occupation of a holding, which is held under a lease to which this section applies, to be a lessee of such holding if such person pays the rent and is bound by the covenant and conditions in such lease;"

said, that these words were copied from words of the Government in a subsequent section. The Land Commissioners had found some difficulty in making out titles to tenancies, and had been unable in such cases to effect sales under Lord Ashbourne's Act. Difficulties arose in cases where lessees died without making assignments, and through the loose way in which leases were dealt with in Ulster. Tenants obtaining leases under the Ulster custom cared nothing for those leases; many of them never took the accounts out of the office, but left them behind, where they were to be seen as fresh as the day they were effected. Many hard cases had arisen under these circumstances, and he appealed to the Government to meet them as they had done in the case of the tenancies which came under Lord Ashbourne's Act. The same facilities should be given to leaseholders as were given to yearly tenants to enable them to buy their holdings. He only asked that a person who was treated as a tenant should be allowed to make applications under the Act without establishing a long title. He trusted that the result of the consultation he saw going on at that moment on the Front Ministerial Bench would be the acceptance of his Amendment. At any rate, it was reasonable to hope that the Government would give a favourable answer to his appeal.

Amendment proposed, in page 2, line 4, at the end of Clause 1, to insert the words "on the hearing of an application."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

Mr. GIBSON said, there were here two questions to be dealt with. The first was the case of a lessee dying and having no representative. That case was dealt with by the existing law. The second case was where some one was in possession and paying the landlord rent; and although he was not a lessee, he was still a lessee by estoppel. It was admitted by the hon. Member that the present law was adequate to deal with the first case; and, as regarded the second, if the lessee, by estoppel, made a claim to the Court, there was no doubt whatever that the County Court Judge would say that he must be recognized, and that he would act accordingly. This Amendment, in his judgment, would throw doubt on the existing law, which was sufficient and ample to deal with the situation. The Amendment might also, in certain circumstances, be dangerous because it would affect leaseholders only; and it must be remembered that the questions which arose with regard to that class would arise equally in the case of all other tenants, and that the same difficulty which had been pointed out arose in the South of Ireland as well as in Ulster. If he was not right in his view, and if the words of the Amendment really would add something to the existing law, it would enable a man who was not a lessee at all perhaps to come in and break a lease which was not his property at all; and that would probably lead to very serious danger and very serious loss. That appeared to him a serious objection to the Amendment; and if the Amendment were accepted by the Government, having regard to the struggle which took place in these debates, to prevent the landlords from breaking the tenants' leases, he was not sure that difficulty of a substantial character would not be created. He would ask the hon. Member not to press the Amendment.

Amendment, by leave, *withdrawn.*

Mr. MAURICE HEALY, in moving to insert the following section at the end of Clause 1 (leaseholders):—

"Where, in the case of any lease which has expired prior to the passing of this Act, an application for resumption has been made and is pending at the passing of this Act, this section shall apply in like manner as if such lease had expired after the passing of this Act,"

said, there were some hard cases which would be favourably affected by this Amendment, such, for instance, as where a lease expired a month or couple of months, or three months before the passing of the Act. He had taken pains to limit the action of the Amendment to those cases he wanted to cover. The Attorney General for Ireland would see that if the leases to which he referred had continued for two or three months the leaseholders would not have been shut out from the benefits of the Act.

Amendment proposed,

In page 2, line 4, at the end of Clause 1, to insert the words—"Where, in the case of any lease which has expired prior to the passing of this Act, an application for resumption has been made and is pending at the passing of this Act, this section shall apply in like manner as if such lease had expired after the passing of this Act."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

Mr. A. J. BALFOUR said, he sympathized with the object the hon. Member had in view; but this Amendment illustrated some of the difficulties which beset the Government by trying to meet the views of hon. Gentlemen opposite by concession. In Committee the hardships of allowing immediate resumption of the holdings on the part of the landlords was referred to, and in order to meet that as far as they could they had said, "We will strike a rough average, and the right of resumption given to landlords shall not take place until the expiration of a certain number of years." Well, in consequence of that, it was now sought to extend the concession in a retrospective sense. The Amendment proposed was retrospective legislation of a serious kind, and violated the principles that governed the action of the House in these matters. He pointed out that there would be an extremely small number of leases to which the Amendment would apply in its protective sense, for the reason that money was extremely scarce in Ireland just now, and landlords would not be inclined to resume the holdings where the leases fell in. He hoped the hon. Gentleman would not press the Amendment.

Amendment by leave *withdrawn.*

MR. MAURICE HEALY, in moving to add, at the end of Clause 1—

"In this Act the word 'lease' includes an agreement for lease, as also any contract of tenancy not being a yearly tenancy, or a tenancy less than a yearly tenancy, and not being a judicial lease or a fixed tenancy. The word 'lessee' includes the successor in title of any lessee,"

said, if this Amendment was not acceptable to the Government he would not press it, but, as a matter of fact, the word "lessee" had a technical meaning and did not include the assignee of a lease.

Amendment proposed,

In page 2, line 4, at the end of Clause 1, to insert the words—"In this Act the word 'lease' includes an agreement for a lease, as also any contract of tenancy not being a yearly tenancy, or a tenancy less than ayearly tenancy, and not being a judicial lease or a fixed tenancy. The word 'lessee' includes the successor in title of any lessee."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

MR. GIBSON pointed out that it had been decided that a lessee meant a successor to a lease and the assignee of a lease. Were they now to make a declaration in this Act it would suggest that the decisions upon which the practice was based under the Act of 1881 were erroneously arrived at. He thought the Amendment was an unnecessary one.

Amendment, by leave, *withdrawn.*

MR. SEXTON in moving to add at the end of Clause 1:—

"On the hearing of any application to fix the fair rent of a holding, the lessee of which has become a present tenant under this section, the Court shall, as regards improvements, deal with such application as if during the occupancy of the holding by the tenant or his predecessors the tenancy in the holding had been a tenancy from year to year."

said, the importance of this Amendment was obvious, but, nevertheless, he hoped that he might be able to explain it to the House in very brief terms. The object of the Amendment was to place the leaseholder who, under this section, came into Court to have a fair rent fixed, in the same position with regard to his right to be free from a rent levied on his own improvements as was occupied by a tenant from year to year under the Act of 1881. The position of a tenant from year to year who applied for the fixing of a fair rent under that Act was fixed by Sub-section 9 of Section 8 of that Act, which provided that no rent was to be payable in respect of improvements made by the tenant or his predecessors in title for which the tenant should not have been compensated by the landlord or his predecessors in title. That rule had, no doubt, he regretted to say, been cut down and mutilated by the Courts of Law in Ireland, and more especially by the decision in a well-known case; in fact, the contention of the Legislature in framing that section had been practically defeated. The late Lord Chancellor Law, who was more closely acquainted with the intention of the Legislature than any other Judge in Ireland, or, indeed, perhaps than any other person living, was notoriously in favour of a more extensive interpretation of the section than the Court placed upon it. However, that section, although it was interpreted in this restricted manner by the Courts, had placed the tenant from year to year in a position of great advantage as compared with the leaseholder. Under the present section, unless the Amendment which he had moved was accepted, the right of the leaseholder would be governed by the clauses of the Act of 1870. Now it must not be forgotten by the House that that Act was passed 11 years before the principle of the right of any tenant in Ireland to have a fair rent was accepted. Again, it must be remembered that the Act of 1870 was passed 17 years before the right of the leaseholder to have a fair rent fixed was recognized. That being so, it would be seen that the clauses of the Act of 1870 in regard to the improvement of the leaseholder were not intended to have any bearing on the question of a fair rent, but were only intended to afford a test of the value of the improvement to the leaseholder when he was about to quit his holding. The provisions of the Act of 1870, to which he had just referred, were not therefore intended to have any bearing on the question of a fair rent. That being so, if the present Bill passed in the shape in which it then stood, the tenant from year to year would have a great advantage over the leaseholder. The tenant from year to year would by law have in his favour the presumption that the improvements on his holding were made by himself or his predecessor in title, while on the other hand the presumption of law on that point would, as the Bill now stood, be against the leaseholder. Why should that be? He not only saw no reason why it should be so, but he saw what seemed to him to be good reasons why it should not be so. If the tenant from year to year had the right to a presumption of law in his favour, surely the leaseholder had a far greater right to have the advantage of a similar presumption; and for this very obvious reason, that, as compared with the leaseholder, the tenant from year to year did not make very extensive improvements. Let him ask why did the leaseholder like leases? Because, as a general rule, they had made valuable improvements on the holdings. That was to say, tenants took leases and paid value for them because they had built houses or outhouses, had made fences, or had otherwise improved their holdings. Therefore on that score the presumption that he had himself made the improvements ought to be in favour of the leaseholder. But in addition to that there was the fact that if the leaseholder got a leasehold, in a large number of cases he made costly drains and reclamations, or erected houses or outhouses. Therefore, on this ground, as on the one to which he had already called attention, the presumption that he had himself made the improvements was stronger in the case of the Irish leaseholder than in the case of the Irish tenant at will. He, therefore, asked the House to say that the presumption on a leasehold holding should be that the improvements were made by the tenant and not by the landlord. Let the House, too, recollect that if the landlord did in any case make the improvements it would be easy for him to rebut the presumption in favour of the tenant, and to prove his own case by books, by accounts, or by the evidence of agents. The claim of Her Majesty's Government in that House and in the country in regard to that Bill was that they were placing the Irish leaseholder on an equal footing as to the proprietorship of improvements with the tenant from year to year. But if the Amendment he was now proposing were not agreed to, the claim of the Government would be a mere delusion. The Court would, in the absence of that Amendment, hold that the buildings on a holding were not the tenant's own property, and he would be rented on them. He would thus, if he did not receive the protection to which he was entitled, and which this Amendment would confer upon him, be liable to be rented upon the expenditure of his own capital and his own labour. Surely that was most unjust. Then there was another point. 90,000 out of every 100,000 leaseholders had built their houses before they took their leases. In fact, they had taken their leases in order to get security for their expenditure upon their houses; but now, if this Bill passed as it stood, they would be compelled to pay rent on the houses they had built. Then, a tenant from year to year was not compelled to pay rent on any improvements that had been made before the last 20 years; but the leaseholder, unless the Amendment were adopted, would be compelled to pay rent on improvements made before 31 years. Even if his Amendment were carried the leaseholder would still labour under some disadvantages as compared with the tenant from year to year. Surely it was bad enough that he should labour under these disadvantages without others being imposed on him. Unless the two classes were placed on an equal footing as regarded improvements, the Courts would have to proceed on two different and contradictory principles in fixing fair rents for each class of tenants. The tenant, from year to year, would have his rent fixed on a fair and the leaseholder upon an unfair basis. The effect on the public mind would be very unfortunate. And, in addition to that, the effect of such a state of the law as he had described would be very injurious to the carrying out of the Government policy of purchase. It was deeply rooted in the minds of the Irish farmers that it was impossible to give effect to a system of purchase unless you first ascertained the fair annual value of the property, and fixed a fair rent. If they were not satisfied on this point the 100,000 leaseholders scattered all over Ireland would oppose, and would defeat by inertia, a policy of purchase, for it must not be forgotten that they would carry with them the tenants from year to year by whom they were surrounded. A policy of purchase could not, in fact, be carried out without the assent of the leaseholders, and in the sale of their estates lay the sole hope of the landlords. Moreover, they knew that they could only sell to the tenants now in occupation. The interest of the landlords would, therefore, not be served by defeating this Amendment, and thus rendering nugatory any policy of purchase that might be adopted. It was a great misfortune for Englishmen, in dealing with Ireland, that in every job they put their hands to they surrounded their legislation with so many restrictions and modifications as to prevent the Act coming into operation. If this Amendment were then refused, it would have to be accepted before a scheme of purchase could be carried out. Both in the interest of the landlords, and of the policy of purchase, he would, therefore, recommend the Amendment to the most favourable consideration of that House.

Amendment proposed,

In page 2, line 4, at the end of Clause 1, to insert the words—"On the hearing of any application to fix the fair rent of a holding, the lessee of which has become a present tenant under this section, the Court shall, as regards improvements, deal with such application as if during the occupancy of the holding by the tenant or his predecessors the tenancy in the holding had been a tenancy from year to year."—(*Mr. Sexton.*)

Question proposed, "That those words be there inserted."

MR. GIBSON said, the Government would not accept the Amendment. The Amendment still left the tenants within the mischief of the decision of "Adams *v.* Dunseath." The Act of 1870 provided that a yearly tenant's right to compensation for improvements was to be regulated by conditions, so that a tenant who had made improvements when a fair rent was being fixed under the Act of 1881 was not necessarily entitled to credit in his rent if the improvements were of such a character that they had been extinguished by the express terms of the contract of tenancy and by the express terms of the Act of 1870. He did not see why a tenant who was getting his lease broken under this Bill, and who had made improvements, should be exonerated from the liability imposed by the Act of 1870 of showing that he, or his predecessor in title, had made those improvements. The hon. Member said that if a lessee put up buildings upon his holding, and he came within the operation of the first section of the present Bill, he would not get compensation and a reduction in his rent as if he were an ordinary yearly tenant.

MR. SEXTON said, he was referring to buildings put up before the lease was made.

MR. GIBSON said, he had misunderstood the hon. Member. In his opinion the law of Ireland was that if there had been a tenancy of a practically continuous character, the mere fact that that part of the title was covered by a lease did not necessarily extinguish the tenant's right to compensation, unless it could be shown by the landlord that there was a break as if the lease was granted as the result of a bargain, the consideration given by the tenant for the lease being the improvements previously made by him. He had no doubt that if there was a yearly tenancy, and then a lease, and then a yearly tenancy afterwards, and a building had been put up during the first yearly tenancy, under the present law the yearly tenant who had succeeded the lease, provided there was a substantial continuity of title, could claim for the building in reduction of rent, and he did not think that there was anything in the case of "Adams *v.* Dunseath" inconsistent with what he said. What the Government did was this—they brought a numerous class of tenants within benefits of the Act of 1881, and said to that class—"You must take the Act of 1881 and the Act of 1870 as you find those Acts." It might, of course, in future years, be necessary to consider how those Acts might be modified. Where a lease existed for 31 years it excluded from certain improvements, but it did not exclude from buildings, reclamations, tillages, and manures, and advantages of that description. The principle of the Act of 1870 was that a man who got a lease for 31 years was only to be compensated if he made improvements of a permanent character, of which he might not be expected to with a lease should have regard to whether the making of the clause was deferred with the object of evading the Land Act of 1881.

Amendment proposed, in page 3, line 2, to leave out from the word "lease" to the end of the Clause."—(*Mr. Dillon.*)

Question proposed, "That the word 'Provided' stand part of the Bill."

MR. A. J. BALFOUR, in opposing the Amendment, said, he would not weary the House by urging the arguments he had previously advanced against a similar Amendment.

MR. T. W. RUSSELL suggested to hon. Gentlemen below the Gangway whether it would not be worth while to select one or two of the most important Amendments on the Paper on which to make a final appeal to the Government, and drop all others. It was quite evident the Government did not intend to give way, and they had a majority present. He disliked this Proviso, and believed it would work nothing but mischief, and prove injurious to the tenant farmer; but in view of the statement of the Chief Secretary, he would be no party to imperilling the Bill. He believed it to be a good measure so far as it went, but he thought it could be improved. Still, he was not allowed to improve it, and they knew that it must be through the House that night. Unless some such arrangement as he suggested were adopted, he should decline to take any further part in the discussion on the Bill.

MR. SEXTON said, they should make progress if time was not wasted in suggestions as to how they should get on.

Question put, and *agreed to.*

On the Motion of Mr. GIBSON, Amendment made, in page 3, line 5, at the end of the Clause, by adding—

"In this section the expression 'lessee' shall include the persons who would have been successors in title of the tenant under the previous contract of tenancy if such tenancy has continued and has become vested in the lessee."

Clause *agreed to.*

Clause 5 (Judicial rent may commence on date of application to the Court).

On the Motion of Mr. A. J. BALFOUR, Amendment made, in page 3, line 16, at end, by adding—

"In case of an application to fix a judicial rent made before the gale day next following the passing of this Act, if the judicial rent is fixed at a lower rate than the rent previously payable, the tenant may deduct from the amount of the judicial rent payable by him such sum as he may have paid over and above the amount of the judicial rent in respect of the half-year expiring on the gale day aforesaid."

Clause, as amended, *agreed to.*

Clause 7 (Substitution of a written notice for the execution of an ejectment.)

Amendment proposed. in page 4, line 1, to leave out the words "one month," and inserting the words "two months." —(*Mr. MacNeill.*)

Question proposed, "That the words 'one month' stand part of the Bill."

MR. A. J. BALFOUR said, he thought the case was met by his Amendment to make it six weeks, where the proceedings were in the Civil Bill Court, that being the case in which it was said that a nominal month would be less than that time.

MR. CHANCE (Kilkenny, S.) urged the Government to make it six weeks all round.

MR. A. J. BALFOUR said, he was willing to agree to that suggestion.

Amendment, by leave, *withdrawn.*

On the Motion of Mr. CHANCE, Amendment made, in page 4, line 1, by leaving out the words "one month," and inserting the words "six weeks."

Amendment proposed,

In page 5, line 2, after the word "ejectment," to insert the words "the justices may put a stay upon the issue of the warrant for any time not exceeding one month, if they think fit, by reason of illness of the caretaker or his family or any other sufficient reason. Such warrant may be executed at any time not less than seven days nor more than two months from the issue thereof."—(*Mr. Serjeant Madden.*)

Question proposed, "That those words be there inserted."

Amendment proposed, in line 2 of proposed Amendment, to leave out the words "one month," and insert the words "two months."—(*Mr. M'Cartan.*)

Question, "That the word 'one month' stand part of the proposed Amendment," put, and *agreed to.*

Words inserted.

Amendment proposed,

"In page 5, line 29, to leave out from the word "That," to the word "when," in line 33, in order to insert the words "on such holding being re-let at any time within fifteen years after such period has elapsed, the same shall be subject to all the provisions of the Land Law (Ireland) Acts which are applicable to present tenancies."—(*Mr. Sexton.*)

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to.*

On the Motion of Mr. A. J. BALFOUR, Amendment made, in page 6, line 12, by leaving out from "possession" to end of Clause, and inserting—

> "A right to be registered as a voter or to vote at any Parliamentary or other election shall not be affected by reason only of the service of a notice under this section."

On the Motion of Mr. A. J. BALFOUR, Amendment made, in page 6, line 15, at end, by adding the following sub-section:—

> "As far as possible, a return of the number of notices filed in Court under this section, and of the actual evictions in respect of such notices, shall be made from time to time to the Lord Lieutenant, and shall be presented by him to Parliament."

Clause, as amended, *agreed to.*

Clause 8 (Power of surrender by middleman).

On the Motion of Mr. SEXTON, Amendment made, in page 6, line 31, by leaving out "fifteen" and inserting "twenty."

Clause, as amended, *agreed to.*

Clause 9 (Town parks).

Amendment proposed, in page 7, line 37, after the word "in," to insert the words "section sixteen of 'The Landlord and Tenant (Ireland) Act, 1870,' and in."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

Amendment, by leave, *withdrawn.*

MR. M'CARTAN (Down, S.) moved to insert 5,000 instead of 2,000, as the number of inhabitants in connection with the question of town parks. He observed that this had been recommended by the Cowper Commission, and there was a very strong feeling in favour of it in the North of Ireland, particularly from the county of Antrim. Of the 69 or 70 towns in Ireland which this Amendment would except, more than one-third were in Ulster, and in this Province the question of town parks had long been a burning question. If the Government declined to accept the Amendment, he was convinced that those who would thus be excluded from the benefits of the Act would decline to allow the matter to rest.

Amendment proposed, in page 7, line 39, to leave out the word "two," and insert the word "five."—(*Mr. M'Cartan.*)

Question proposed, "That the word 'two' stand part of the Bill."

MR. SEXTON said, there was no principle involved in this matter; but they desired some concession to be made in the direction indicated. Would the Chief Secretary, therefore, accept 3,000 as the limit?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster) said, he did not doubt that strong representations had been made on the subject; but he would remind the House that this question had been discussed at very great length on a previous occasion, and the Government had then gone as far as they felt able to go. He hoped, therefore, that the hon. Member would not press his Amendment.

MR. FLYNN (Cork, N.) said, this was a question which also seriously affected tenants in the South of Ireland, and he urged the Government to accept the proposal of his hon. Friend.

Question put, and *agreed to.*

Amendment proposed, in page 8, line 11, to leave out the words "parcel of land," and insert the word "holding."—(*Mr. Arthur Balfour.*)

Question, "That the words 'parcel of land' stand part of the Bill," put, and *agreed to.*

On the Motion of Mr. Serjeant MADDEN, Amendment made, in page 8, line 12, by leaving out from beginning of line to end of section, and inserting—

> "By reason only of the occupier coming to live in the city or town, or the suburbs thereof, or by reason only of the same devolving or being vested in a person living in such city or town, or the suburbs therof."

Clause, as amended, *agreed to.*

Clause 10 (Reduction of interest on loans under 33 & 34 Vic. c. 46, s. 45; 35 & 36 Vic. c. 32, s. 1).

On the Motion of Mr. A. J. BALFOUR, Amendment made, in page 9, line 20, by leaving out "one year," and inserting "six months."

Clause, as amended, *agreed to.*

Clause 17 (Crown rents, quit rents, and tithe rent-charge).

Amendment proposed,

In page 15, line 22, after "incumbrance," insert "and the Land Commission may, if they think it expedient and just so to do, by order declare the land sold to be discharged of all incumbrances, and upon the making of such order the incumbrances therein mentioned shall cease to be a charge upon such land."—(*Mr. Serjeant Madden.*)

Question proposed, "That those words be there inserted."

Mr. SEXTON remarked that the Government professed to be anxious to get on with the Bill without delay, and refused to make any concessions to the Nationalists. They could, however, accept insidious little proposals from their own friends, framed with a view of reducing the benefits of the Act. Such Amendments as this would not, under the circumstances, be allowed to pass without protest.

Question put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 25 (Temporary adjustment of judicial rents).

Amendment proposed,

In page 19, line 33, to leave out from the word "the" to the word "shall," in line 39, and insert the words "prices in counties, unions, or other areas in one thousand eight hundred and eighty-seven."—(*Mr. T. W. Russell.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. W. H. SMITH said, the Government were unable to accept the suggestion of the hon. Member. The Government thought it would be throwing too great a responsibility on the Land Commission if they gave no guidance as to the grounds on which the abatement should be made.

Mr. MAHONY (Meath, N.) said, that how the Government could oppose this Amendment passed his comprehension. This was a fair compromise, which the Government would do well to accept. Instead of tying the Land Commissioners, it allowed them to use their own discretion, and to make reduction with regard to the fall in prices, on which basis only could any adjustment of rent be fair and reasonable. The clause, as it stood, gave up everything to the landlords. It was absurd to say that the Amendment would throw upon the Land Commissioners a heavy responsibility. It would do nothing of the kind; but the clause, as it stood at present, would compel them to work positive injustice. The fall in prices took place in 1885; but the rents of the earlier months of 1885 were not fixed upon the basis of the fall in prices, because the fall was not known at that time.

Question put, and *agreed to.*

On the Motion of Mr. A. J. Balfour, Amendment made, in page 20, after line 22, by inserting—

"A copy of every order made by the Land Commission under this section shall be published in the 'Dublin Gazette.' The production of a printed copy of the 'Dublin Gazette,' purporting to be published by the Queen's authority, and containing the publication of any order of the Land Commission under this section, shall be evidence of the contents of such order, and of the date thereof, and that it has been duly made."

Amendment proposed,

In page 20, line 22, at the end of Clause 25, to insert the words—"The powers conferred on the Land Commission under this section shall not be by them delegated to any Sub-Commission."—(*Mr. Serjeant Madden.*)

Question proposed, "That those words be there inserted."

Mr. SEXTON said, this Amendment had the same moral complexion of many others from the same source. The hon. and learned Member was animated by a sturdy desire to limit the advantages derived by the tenant from the Bill, as far as possible. It might be physically necessary for the Land Commission to delegate this power of abating rents to Sub-Commissioners. He hoped the Government would not waste any time upon the Amendment.

Question put, and *negatived.*

Clause, as amended, *agreed to.*

Clause 26 (Power of Court to stay eviction).

Mr. DILLON said, he rose to move the first of a series of Amendments in this clause, all of which had the same object. The Bankruptcy Clauses originally included in that Bill had evoked a general chorus of disapproval, and the Liberal Unionists had held a meeting at Devonshire House, at which, recognizing what would be the probable fate of those clauses, they also recognized that it was the bounden duty of their Party, if they opposed the Bankruptcy

Clauses, to propose a certain substitute for them, and accordingly they had put a series of Amendments on the Paper which were meant to be such a substitute. Now, the object of the Amendments which he was about to move was no more or less than to carry out the intention of the Liberal Unionist Party, and to provide the same sort of protection for the tenants as was sought to be given by the Bankruptcy Clauses. The Government had stated that their desire was to prevent harsh and unreasonable evictions; and the provisions of the Bill that were intended to deal with such evictions were mainly the Bankruptcy Clauses. Important concessions had, no doubt, been made, which, after the lapse of many months, would improve the condition of the tenantry of Ireland, especially the leaseholders; but he maintained that no substantial protection was afforded by the 26th clause of the Bill to tenants who were unable to pay their arrears of rent. If such tenants applied to the County Court, the Court could say that the arrears should be paid by instalments distributed over a certain length of time, probably 12 months, or, at the outside, 18 months; but the Court would order payment by instalments of the arrears of the unjust rent, so that between those instalments and the new rent the tenant would be practically paying a rack-rent, as he had done before. The utmost, therefore, that he could expect to do was to drag out the misery a little longer, without the least hope of regaining his position of a solvent man. The landlord might take away his stock and his agricultural implements, so that it would be impossible for the tenant to work his farm. Thus, in the long run, after a delay which would be of no advantage to the tenant, eviction would come as surely as if the House had never passed that 26th clause at all. The Chief Secretary had said that he was willing to accept any proposal that would place all the creditors of the tenant on the same footing. For himself, he had always held that, because rents were excessive in Ireland, that was no reason for upsetting the entire system of credit in Ireland. In the case of many tenants in Ireland, the entire assets would not equal the landlord's claim for rent; and putting all the creditors on the same footing would amount to this—that the landlord would get a year's rent in full, and nobody else would get twopence. Rather than sacrifice the Irish tenants, he and his Friends were willing that a system should be introduced by which the County Court Judge should deal with each case on its merits as it came before him. But they would not accept any system of bankruptcy by which every creditor would be compelled to come into Court, and the whole affairs of the tenant would be wound up by a costly process of investigation. He would urge the Government to accept the Amendment he was about to propose, which was the official Amendment of the Liberal Unionist Party. He must, however, complain that the Liberal Unionists had run away from their guns in connection with the matter, for they had not supported the Amendment proposed by the hon. and learned Member for Inverness (Mr. Finlay), in accordance with the decision come to at the meeting of that Party held at Devonshire House. It was true that the hon. Member for South Tyrone (Mr. T. W. Russell) voted for that Amendment; but only six Unionists out of a Party of 76 supported it in the Division Lobby. Was this honest? Was it by this they got the right to go to the country and say that they had made reasonable efforts to give the Irish tenants justice in this matter? This was a question of vital importance; and he urged the Liberal Unionists, even at this eleventh hour, to put something like an honest and firm pressure upon the Government, and then they might obtain a concession on that matter which would prevent trouble and disorder in Ireland. The hon. Member concluded by moving the first of his Amendments.

Amendment proposed,

In page 20, line 24, after the word "recovery," to insert the words "of rent due in respect of a holding to which the section applies, or for the recovery."—(*Mr. Dillon.*)

Question proposed, "That those words be there inserted."

MR. JOSEPH CHAMBERLAIN (Birmingham, W.) said, that as this Amendment raised a question of considerable importance, and one in which he took much interest, he wished to offer a few words upon it before the Government replied to the hon. Member for East Mayo. The hon. Member for East Mayo had accused the Liberal Unionist Party of running away from their guns on that and other suggestions for the improvement of the Bill. The hon. Gentleman's remarks did not apply to him, because, as a matter of fact, his name appeared among the small number of Liberal Unionist Members who voted for the Amendment to which reference had been made. But it should be remembered that there had been a great change in the action of the Government in regard to that Bill since the Liberal Unionist Members put their Amendments down on the Paper. The Government had met them again and again on matters to which they attached the greatest importance, and under those circumstances many of them had thought that mutual concession ought to be practised, and that, although they might not be entirely satisfied with the alterations made in it, yet they should accept the Bill as a real boon to the Irish tenants with gratitude to the Government for the manner in which it had met their suggestions. That consideration had induced those with whom he ordinarily acted to support the Government, although they believed that further improvements might have been made in the measure. He supposed that it would be admitted by the Government and by every Member of the House that the withdrawal of the Bankruptcy Clauses had left the Bill defective in an important particular. The Bill dealt now, as it did not when it was introduced, with the solvent tenant. The Government had, in deference to pressure from that side of the House, withdrawn the concessions which the Bill as originally introduced made to the insolvent tenants. The protection originally given by the Bill to the insolvent tenant was of two kinds. First, there was protection for him against arrears of rent by enabling them to be compounded; and, secondly, there was protection for him against his general creditors if he was in an insolvent or embarrassed condition. These were the two points which, in the opinion of the Government, were apparently inseparable. The Government had told them that they were not prepared to deal with the question of arrears of rent, unless they dealt at the same time with the other involvements of the debtor. In his opinion, the two things might be separated, as they stood on a different footing. There was a precedent for the view he took, and for the course that he should wish to take in the case of the Scotch Crofters Act, by which the Commissioners had power to deal with arrears of rent, although they had not power to deal with debts due to other creditors. The Government would, he thought, have done well to accept the Amendment pressed upon them by the hon. Member (Mr. Dillon), and deal with the arrears of rent, thus protecting the tenant against unjust and improper action on the part of the landlord. But they had said distinctly that they were not prepared to do that; and, therefore, the House was bound to consider the alternative offered to it, and see whether it could not be made acceptable. As to debts due to other creditors, they undoubtedly stood on a different footing from arrears of rent, because arrears of rent might be, and often were, the result of the rent having been excessive. Therefore, they were claims for what was called unfair rent. They were inequitable claims, and claims which deserved the consideration of the Court. But that might be the case with other debts also. A debt due to a usurer might as much require to be made subject to equitable jurisdiction as unfair rent did. Again, he had known cases of debts due to small shopkeepers which would be all the better for equitable treatment. But, putting that aside for the moment, and assuming that arrears of rent were unfair claims, and that debts due to shopkeepers were fair claims, let them take the case of the tenant who could not pay. Was it to the interest of the shopkeeper that the tenant should go on with a burden and a debt permanently round his neck? Were they really benefiting the tenant if they relieved him from one-tenth of his debts, while they failed to relieve him from the remaining nine-tenths, however they were contracted? Was it not desirable in the interest of the tenant himself, if he was insolvent, and also in that of the creditors, that he should be relieved from all his debts—from the fair as well as the unfair debts? That was a positive principle of our Bankruptcy Law, and also the principle of the Bankruptcy Clauses as they were first introduced into that Bill. In the case of a tenant so embarrassed, it was provided that under the Bankruptcy Clauses he might get relief from all his debts. To that course three objections had been taken which were fair and reasonable. In the first place, it was objected that that would involve the stigma of bankruptcy or insolvency through no fault of the tenant's own. That was a sentimental objection; but still, if the tenants shrank from bankruptcy, their sense of independence ought to be respected. The second objection was that under the process of bankruptcy the costs would be so great that everything would be swallowed up by the litigation. If so, that was a fatal objection. The third objection was that under that arrangement the debt of the landlord would be preferentially treated, and that as far as one year's rent went he would have priority over all the other creditors. That also was a serious objection, and he hoped that the matter might be dealt with on a fair and reasonable basis. But the Bankruptcy Clauses were gone. Was it possible to substitute for them some alternative plan? He wished to make an appeal to the hon. Member for East Mayo, who had the interest of the tenant at heart. The hon. Member was anxious that the tenant should be relieved from all unjust arrears of rent, and he agreed with him in that. They were told that the tenant could only get relief from his arrears of rent if, at the same time, they consented to his being relieved from his debts to other creditors. He would put it to the hon. Member that it was very desirable, in the interest of the insolvent tenant, that he should be relieved from those debts. There were two benefits offered on behalf of the tenant—namely, relief from his arrears of rent, and also relief from the other embarrassments in which he found himself. It was of course understood that they had in view only the cases of small tenants whose debts were comparatively insignificant, and that what was proposed would not apply to the large tenants. In the case of these smaller tenants might it not be enacted that where a man came into Court and stated that he was unable to pay his debts, the Court should call upon him for a schedule of all his debts, and, after giving notice to his creditors, should then and there make such a composition as the Court should think fit? That was a procedure which would be almost without cost at all; it would give the relief which was desired, and he could not understand upon what grounds such a proposal could be objected to, unless it were that from some reason or other the hon. Member (Mr. Dillon) wanted to throw the shield of his great influence over the gombeen man or the shopkeeper. If the hon. Member would accept such a proposal as that, he would use his small influence to press it upon the Government; and if an agreement were come to, such a clause might be introduced in "another place." The Bill—a great and generous Bill as it stood—would thus be greatly improved, and relieved of what he believed to be a great flaw. They would then have some hope that the relief they all desired to give would be given to the smaller tenants in respect of their indebtedness.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.) said, he should have preferred to hear the right hon. Member for Derby (Sir William Harcourt) before replying on the part of the Government. The right hon. Member for West Birmingham (Mr. J. Chamberlain) had very truly and correctly represented to the House the pledges which he, on the part of Her Majesty's Government, had given on this question on more than one occasion. He gave a pledge to the Committee, which he repeated last night, that the Government were prepared to give up the word bankruptcy, or any other word which might offend the susceptibilities of hon. Gentlemen opposite, or might appear to be offensive to the Irish people, and to accept any workable proposals which should deal with the debts of a certain class of tenants in Ireland, provided always that all the creditors should be treated alike. The right hon. Gentleman the Member for West Birmingham, though he would prefer the proposal of the hon. and learned Member for Inverness (Mr. Finlay), was prepared, he understood, rather than that this question should not be dealt with at all, to accept the suggestion of the Government. If the right hon. Gentleman had been present throughout the whole of the discussions on this Report stage he would have known that the House had had an authoritative declaration of policy, not only on the part of the hon. Member for Cork (Mr. Parnell) and the hon. Member for East Mayo (Mr. Dillon), but also on the part of the right hon. Member for Derby (Sir William Harcourt) and the right hon. Member for Mid Lothian (Mr. W. E. Gladstone), that they would not accept any arrangement by which the debt of the ordinary creditor was to be put on an equality with the debt of the landlord.

Mr. DILLON: Nothing of the sort. I distinctly said, and so did my hon. Friend the Member for Cork (Mr. Parnell), we made an offer—that is, a definite offer—by which the debts of all creditors should be treated on an equal footing.

Mr. A. J. BALFOUR said, that, at all events, it would not be contested that in the meaning the Government had always attached to the phrase "dealing with all creditors alike"—in the sense contemplated by bankruptcy law in this or any country in the world—neither hon. Gentlemen from Ireland nor the Leaders of the Gladstonian Party were prepared to accept the suggestion which the Government had made to the House; nor did he understand that anything which had fallen from the hon. Gentleman that afternoon had indicated any receding from that position more than once taken up in the most positive manner. That being the case, the Government had not gone to the labour of putting other classes on the Paper. But, as the right hon. Gentleman had again pressed this course upon the Government—not apparently being aware of the resistance which would be offered to it—he would say that, having considered the matter with the best assistance at his command, he did not believe that equitable and workable clauses could be produced which should be of the simple character and contained in the brief compass which the right hon. Gentleman seemed to suppose. They might do a great deal by rules of Court. In other words, they might not try and pass into law the rules under which they proposed to act, but leave it to the Lord Chancellor of Ireland or some other tribunal to frame them; but even then there must be some clauses introduced into the Bill, and some provision with regard to the machinery to be adopted. With every desire to devise a scheme which should be as cheap, as simple, and as rough as possible, it would be impossible for the House to get below that irreducible minimum; and, therefore, if the Government attempted to carry out the suggestion of the right hon. Gentleman, it could only be on the distinct understanding that such clauses would be accepted by the House without discussion—discussion, as he had already pointed out, being impossible at this period of the Session. The hon. Member for East Mayo virtually said—"Let the County Court Judge deal with the tenants' debts as they come before him in succession." That would produce, he said, this result—that the hardest creditors would be driven into Court, and the lenient creditors would not be touched. The hon. Member tried to persuade the House that that would bring about a rough kind of justice. But who would be the creditors who would come into Court? Obviously those whom the debtor refused to pay—not necessarily the hard creditors. And who was the creditor who in Ireland was paid last? [Mr. Dillon: The shopkeeper.] On the contrary, all the evidence, historical and contemporary, which was before the House led to this conclusion—that the last man the Irish tenant desired to pay was the landlord, and the first would be the shopkeeper. The first person to get his debt cut down would be the landlord, and the last would be the gombeen man and the shopkeeper. The Government must refuse to accept the Amendment which had been moved by the hon. Member for East Mayo.

Sir WILLIAM HARCOURT (Derby) said, everybody must be agreed that the House was in a very unfortunate position. They had arrived at the most material part of the Bill, and there was not an hour to give to the discussion of it. A great part of the tenants of Ireland were in an impoverished condition; they could not pay their arrears of rent, and the Bill made no provision whatever for them. All the trouble in Ireland during the next six months would come from this very class of tenants. If all these propositions were true—and they were admitted—it was clear that the Bill must fail of the object at which it professed to aim. He admitted all the advantages which the Government had given to the solvent tenants in the clause for the revision of rent; but that was not the class which was most necessitous, nor from which trouble was likely to arise. The right hon. Member for West Birmingham had made a suggestion. The Chief Secretary had assumed—unwittingly and without foundation—that this suggestion was opposed by the Liberals and by the Irish Members. They thought it an unsound principle—they had said so—and the right hon. Member for West Birmingham thought it unsound, to place all creditors on the same footing in this respect; but, rather than the tenants should suffer, they would accept the unsound principle and take what they could get in favour of the tenants. He asked the Government now, at the eleventh hour, "What will you give them?" The Amendment moved in Committee by the hon. and learned Member for Inverness (Mr. Finlay) was not largely supported by the Friends of the right hon. Gentleman (Mr. Chamberlain), and the right hon. Gentleman now said in excuse that they had received so much from the Government that they did not like to press them. These compliments between allies were all very well if they were not made at the expense of the tenants of Ireland. This was a very serious matter to thousands of tenants. He would say nothing to prevent the Government and hon. Members from Ireland accepting the suggestion of the right hon. Member for West Birmingham; but he could not acquit the Government and the Liberal Unionists of the responsibility for the difficulties of the position. They knew in Committee that the Bankruptcy Clauses were to be withdrawn under pressure from all sides; and if the Government thought that the plan of the hon. Member for Inverness would not do, why did not they put down another plan of their own? The Bankruptcy Clauses were withdrawn, and no alternative was provided for the embarrassed tenants! Why did not the right hon. Gentleman the Member for West Birmingham set forth the plan he would substitute?

Mr. JOSEPH CHAMBERLAIN said, he might be allowed to answer that question. He did not put down any Amendment, because of the statement from hon. Members below the Gangway, which he understood to mean that an unqualified resistance would be offered, and in the face of that he thought it useless to put down the Amendment.

Sir WILLIAM HARCOURT said, he never understood hon. Members from Ireland to say more than that they thought the principle unsound, and that they preferred the particular Amendment adopted at Devonshire House. If the Government or the right hon. Member for West Birmingham would put down a clause to carry out what the right hon. Gentleman suggested he, for one, would vote for it. He would rather vote for any plan, however imperfect it might be, than allow the Bill to go to Ireland with the declaration that Parliament had deliberately done nothing to relieve distressed tenants from the arrears of unjust rents. That, he thought, would be a fatal course. His right hon. Friend had said—"Do this in the House of Lords." But what chance had a proposal of this kind to allow a fair composition of unjust arrears of being carried in the House of Lords? None whatever. It must be done in this House if done at all; and if there was any chance in the remaining half-hour that it could be done, he would not stand in the way by speaking further than to implore the Government not to allow the Bill to go forth in a state that would insure its being an utter failure.

The CHAIRMAN of COMMITTEES (Mr. Courtney) (Cornwall, Bodmin) said, he rose with great reluctance and under a heavy sense of responsibility. If he understood the speech of the right hon. Member for Derby aright, it would appear that both Parties had come very near to an agreement on this point. Having, however, heard the hon. Member for Cork (Mr. Parnell) last week, and the hon. Member for East Mayo (Mr. Dillon), he had not discovered that there was that approximation on both sides which his right hon. Friend had said existed. What he understood the hon. Members for Cork and East Mayo to say was this—"We are ready that the landlords and other creditors shall be treated alike," by which they meant that if each presented his claim in Court the County Court Judge should deal with them separately. The position of the Government was this—"We are ready to treat the landlords and other creditors alike, but they must be treated at the same time by the County Court Judge." He wanted to ask his right hon. Friend (Sir William Harcourt) whether he was accepting the position of the Government, or whether he was adopting what he understood to be the position of the hon. Member for Cork?

Sir WILLIAM HARCOURT replied, that he had said before that he thought the principle unsound; but he would take the inferior proposition, founded on an unsound principle, if the Government would state what their proposal was. They had a distinct proposal from the right hon. Gentleman (Mr. Chamberlain), and though he thought it, as did the right hon. Gentleman himself, an inferior proposition, he would support it. If the Government did not approve of it, let them hear what the Government proposed. They had never heard from the Government what their proposal was. ["Oh!"] There was no use in making these inarticulate denials; the Government had made no definite proposal whatever upon the subject. They knew that perfectly well, so did the House.

Mr. COURTNEY said, he understood now that the right hon. Gentleman accepted, or did not resist, the Government proposal that all claims should be treated alike and simultaneously. That was not the position of the hon. Member for Cork. If the hon. Member for East Mayo was willing to accept the proposal of the Government, as laid down and assented to by the right hon. Gentleman, there ought to be no difficulty in introducing simple machinery for the settlement of the question, and that settlement would remove what at present was a blot in the Bill—that those claims of the tenant should be left in a crippled and hampered position. If the hon. Member accepted the principle that all creditors should be treated alike, not treating each claim as it was brought into Court, but treating all simultaneously, then there was no reason why a simple machinery should not be introduced into the Bill, even at this late stage, that would solve the difficulty.

Mr. DILLON said, with the permission of the House, he would repeat what had been stated in the course of the debate. The other night the Chief Secretary made the following statement:—"The Government are prepared to consider any plan by which the creditors shall be placed on the same footing." To this the hon Member for Cork replied that he was prepared to accept the principle that every creditor should be placed on the same footing according as he pressed his claim; but he said that every creditor did not press his claim. The Irish Members were perfectly willing to go so far, because so far they saw their way; but as to the proposal suggested or outlined by the Government, all the fear of the Irish Members was that the creditors should be dragged, in spite of themselves, into a bankruptcy system, whatever name might be applied to it, which would be expensive and destructive to their interests, and which would do more evil than it could hope to cure.

Mr. A. J. BALFOUR said, he was positive he was not misrepresenting the right hon. Member for Mid Lothian's argument last night when he stated that, according to the right hon. Gentleman, the question of treating all the creditors alike was not a question of legal status, but was a question of substance.

Mr. DILLON said, he repeated, for the third time, that they were all willing that the creditors should be treated on the same footing.

Mr. A. J. BALFOUR: But not at the same time.

Mr. DILLON: If the creditors themselves press their claims.

Sir WILLIAM HARCOURT said, his right hon. Friend (Mr. W. E. Gladstone) was opposing the Government argument, and the principle he considered unsound; but they wanted to know what the Government plan was.

Mr. FINLAY (Inverness, &c.) said, it was perfectly impossible that at that hour, and in the present circumstances, they should agree upon the outlines of a plan; but he would earnestly suggest that an endeavour should be made, by representative men of different Parties, to agree upon a clause somewhat on the lines indicated, and if that agreement should be come to, it might be embodied in the Bill in "another place," and afterwards accepted in that House without opposition. He did not see that anything more could be done at present.

The Marquess of HARTINGTON (Lancashire, Rossendale) said, he had no difficulty in deciding how he should give his vote on the Amendment, because, for reasons that had been explained by his right hon. Friend (Mr. Chamberlain) when this question arose in Committee, he considered that the Government had accepted so much of what he and his Friends proposed that they were bound to carry out what he considered a compromise. He had still less hesitation in giving a vote against this Amendment now, because it appeared to him that the Government had advanced to the extreme point which had been advocated from that side of the House for settling the question of the arrears of rent and debts of the tenant. Now, he understood that the right hon. Gentleman the Member for Derby had, in fact, accepted the principle stated by the right hon. Gentleman the Member for West Birmingham, which was, he believed, practically accepted by the Government. On the other hand, it was distinctly repudiated by the hon. Member for East Mayo and his Friends. He understood that hon. Member to say that he was prepared to treat the debts of the landlord and the other creditors on equal terms, but on condition that only such debts should be dealt with as came into Court. What his right hon. Friend (Mr. Chamberlain) suggested was, that if a tenant came into Court for a reduction he should be compelled to make a return of his indebtedness generally, and that his creditors should submit to an equal reduction. But, under the proposal of the hon. Member for East Mayo, the debtor might make a preferential statement; he might pay the other creditors in full, while the landlord was put off with only a small portion of his claim. In these circumstances—as it seemed that the final offer of the Government had been rejected—it did not appear to him that there could be any doubt as to how he should vote.

Question put.

The House *divided*:—Ayes 98; Noes 126: Majority 28.

AYES.

Abraham, W. (Glam.)
Acland, A. H. D.
Allison, R. A.
Anderson, C. H.
Asher, A.
Asquith, H. H.
Balfour, Sir G.
Biggar, J. G.
Blane, A.
Bolton, J. C.
Bruce, hon. R. P.
Burt, T.
Campbell, H.
Carew, J. L.
Chance, P. A.
Clancy, J. J.
Cobb, H. P.
Connolly, L.
Conway, M.
Cox, J. R.
Crilly, D.
Deasy, J.
Dillon, J.
Dillwyn, L. L.
Esmonde, Sir T. H. G.
Esslemont, P.
Ferguson, R. C. Munro-
Finlay, R. B.
Finucane, J.
Flynn, J. C.
Fox, Dr. J. F.
Gardner, H.
Gilhooly, J.
Gill, T. P.
Harcourt, rt. hon. Sir W. G. V. V.
Harrington, E.
Harris, M.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.
Hooper, J.
Jordan, J.
Kennedy, E. J.
Kenny, M. J.
Lawson, Sir W.
Lea, T.
Leahy, J.
Lefevre, right hon. G. J. S.
Lewis, T. P.
Macdonald, W. A.
MacInnes, M.
Mac Neill, J. G. S.
M'Arthur, W. A.
M'Cartan, M.
M'Donald, P.
M'Ewan, W.
M'Laren, W. S. B.
Mahony, P.
Mappin, Sir F. T.
Molloy, B. C.
Murphy, W. M.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, J. F. X.
O'Brien, P. J.
O'Connor, J. (Kerry)
O'Doherty, J. E.
O'Hea, P.
Pickersgill, E. H.
Picton, J. A.
Portman, hon. E. B.
Power, P. J.
Price, T. P.
Pyne, J. D.
Quinn, T.
Rathbone, W.
Reid, R. T.
Robertson, E.
Roscoe, Sir H. E.
Rowlands, J.
Rowntree, J.
Russell, T. W.
Sexton, T.
Sheehan, J. D.
Sheehy, D.
Shirley, W. S.
Sinclair, W. P.
Stack, J.
Sullivan, D.
Sutherland, A.
Swinburne, Sir J.
Tanner, C. K.
Trevelyan, right hon. Sir G. O.
Tuite, J.
Wallace, R.
Williamson, J.
Woodhead, J.
Wright, C.

TELLERS.

Marjoribanks, rt. hon E.
Morley, A.

NOES.

Agg-Gardner, J. T.
Ainslie, W. G.
Aird, J.
Anstruther, Colonel R. H. L.
Baden-Powell, G. S.
Baird, J. G. A.
Balfour, rt. hon. A. J.
Banes, Major G. E.
Baring, T. C.
Baring, Viscount
Barry, A. H. Smith-
Bartley, G. C. T.
Barttelot, Sir W. B.
Beadel, W. J.
Bective, Earl of
Bentinck, rt. hn. G. C.
Bentinck, W. G. C.
Beresford, Lord C. W. De la Poer
Borthwick, Sir A.
Bridgeman, Col. hon. F. C.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Brookfield, A. M.
Bruce, Lord H.
Burghley, Lord
Caldwell, J.
Campbell, R. F. F.
Carmarthen, Marq. of
Chamberlain, rt. hn. J.
Clarke, Sir E. G.
Cochrane-Baillie, hon. C. W. A. N.
Colomb, Capt. J. C. R.
Commerell, Adml. Sir J. E.
Corbett, J.
Cranborne, Viscount
Crossman, Gen. Sir W.
Davenport, H. T.
Davenport, W. B.
De Cobain, E. S. W.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dixon, G.
Dixon-Hartland, F. D.
Duncan, Colonel F.
Dyke, rt. hn. Sir W. H.
Evelyn, W. J.
Eyre, Colonel H.
Fergusson, right hon. Sir J.
Fisher, W. H.
Fitzgerald, R. U. P.
Folkestone, right hon. Viscount
Forwood, A. B.

Fowler, Sir R. N.
Gardner, R. Richardson-
Gedge, S.
Gibson, J. G.
Godson, A. F.
Goldsworthy, Major-General W. T.
Goschen, rt. hon. G. J.
Gray, C. W.
Gurdon, R. T.
Hall, C.
Halsey, T. F.
Hamilton, right hon. Lord G. F.
Hamilton, Lord C. J
Hamilton, Lord E.
Hankey, F. A.
Hartington, Marq. of
Havelock - Allan, Sir H. M.
Herbert, hon. S.
Hervey, Lord F.
Hill, right hon. Lord A. W.
Holland, rt. hon. Sir H. T.
Howard, J.
Howard, J. M.
Howorth, H. H.
Isaacson, F. W.
Jackson, W. L.
Jeffreys, A. F.
Jennings, L. J.
Kelly, J. R.
Kimber, H.
King - Harman, right hon. Colonel E. R.
Lafone, A.
Lambert, C.
Lees, E.
Legh, T. W.
Lewis, Sir C. E.
Lewisham, right hon. Viscount
Macartney, W. G. E.
Macdonald, rt. hon. J. H. A.
Maclure, J. W.
Madden, D. H.
Matthews, rt. hon. H.
Maxwell, Sir H. E.
Mulholland, H. L.
Noble, W.
Northcote, hon. H. S.
Norton, R.
Pearce, W.
Plunket, rt. hon. D. R.
Plunkett, hon. J. W.
Puleston, J. H.
Raikes, rt. hon. H. C.
Robertson, J. P. B.
Russell, Sir G.
Sandys, Lieut-Col. T. M.
Sidebotham, J. W.
Sidebottom, W.
Smith, rt. hon. W. H.
Spencer, J. E.
Stanley, E. J.
Stephens, H. C.
Swetenham, E.
Tapling, T. K.
Taylor, F.
Theobald, J.
Tollemache, H. J.
Trotter, H. J.
Tyler, Sir H. W.
Waring, Colonel T.
Watkin, Sir E. W.
Webster, Sir R. E.
Whitley, E.
Wortley, C. B. Stuart-
Wright, H. S.

TELLERS.
Douglas, A. Akers-
Walrond, Col. W. H.

Mr. DILLON said, he would not move the other Amendments which stood in his name on the Paper.

Amendment proposed, in page 21, lines 22 and 23, to leave out the words "be not executed."—(*Mr. Edward Harrington.*)

Amendment, by leave, *withdrawn.*

Amendment proposed,

> In page 21, line 23, to leave out the words "of such holding as aforesaid," in order to insert the words "of any holding for which a judicial rent has been fixed, or can be fixed, under the Land Act of 1881, as amended by this Act."—(*Mr. Finucane.*)

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to.*

Other Amendments made.

Amendment proposed, in page 24, line 14, after the word "in," to insert the words "The Landlord and Tenant (Ireland) Act, 1870."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

Amendment, by leave, *withdrawn.*

Mr. CHANCE asked that the Bill might be reprinted.

Mr. W. H. SMITH said, it was unusual for the House to order the reprinting of a Bill after third reading; but it would be printed for the House of Lords, and copies would be available for hon. Members.

Bill read the third time, and *passed.*

TRAMWAYS (IRELAND) ACTS AMENDMENT BILL.—[Bill 338.]

(*Mr. Kimber, Captain Colomb, Dr. Clark.*)

SECOND READING.

Order for Second Reading read.

Mr. KIMBER (Wandsworth), in moving that the Bill be read a second time, said, its object was to permit the authorities in Ireland to authorize a change in its method of construction of tramways, from the two-railed system where that was found not to answer, to the one-rail system.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Kimber.*)

Mr. CHANCE (Kilkenny, S.) said, he objected to the Bill being proceeded with at this Sitting, as it had been sprung upon the House without Notice. The existing legislation with regard to tramways and light railways was of a very difficult and complex character, and he could not say that it had worked successfully up to the present. But the most objectionable thing about this scheme was that it was promoted by a gentleman who was completely unknown. It was proposed by means of this measure to give legislative sanction to a special kind of tramway as to which not two Members of the House had any information. He moved that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Chance.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. KIMBER said, he had no reason to believe the Bill would be opposed. It was entirely Irish in its origination. It was simply permissive. He had taken pains to inform and consult many hon. Members on the Irish Benches, and knew that many of their constituencies approved it. It proposed to give certain localities in Ireland the right of permitting the construction of the one-rail, or any other kind of tramway as an alternative to the ordinary two-rail system. The cost of the construction of the one-rail tramway, which had already been tried in Devonshire and in Ireland itself, was half that of the present system, and the tramway could be constructed in one-third of the time now required. The working expenses would be considerably less than the expenses of the two-rail system. If the Bill were passed employment would be given to a number of people.

Mr. BIGGAR (Cavan, W.) said, he rose to support the Amendment of the hon. Member for South Kilkenny (Mr. Chance). The Bill was introduced for the purpose of promoting a certain patent system of tramways; and if the House could be induced to sanction the system, the next thing they would have would be an advertisement in the newspapers asking the public to subscribe funds for the carrying out of this experiment, and the argument in favour of the scheme would be based on the sanction of Parliament. He objected altogether to the House giving its sanction to such a scheme. He did not think the principle on which it was proposed to construct these tramways was in operation in every part of the Kingdom, and he did not think it was feasible to work a line on such a principle for general purposes. The tramway, he understood, was proposed to be in the form of a triangle, and in the cars the passengers would be seated back to back, something like what they were in a jaunting car. It might be possible to run light trams with passengers, but it would be perfectly impossible to carry any quantity of goods. The system would therefore be useless for the purposes for which the promoters alleged that it was intended—namely, to facilitate the development of Irish industries. The Bill went upon the assumption that it was possible to construct and work tramways successfully on this principle in various parts of the United Kingdom, through the agency of Public Companies; but he objected to the public being called upon to find the money to make experiments for the benefit of the promoters. If experiments were to be made to test the value of the principle, let them be made at the cost of the promoters themselves; and instead of the experiments being carried out in Ireland and in remote parts of the West of England, they should be made near London, where the public would have an opportunity of judging of their success. If the promoters would carry out these experiments, and then, next Session, come to Parliament for laying down a line at Charing Cross, he would be ready to give them his support; but he objected to the Irish public being put to the cost of experiments for the benefit of the promoters of this scheme.

It being a quarter of an hour before Six of the clock, the Debate stood adjourned till *Monday* next.

QUESTIONS.

—o—

BUSINESS OF THE HOUSE—ORDER OF PUBLIC BUSINESS.

Mr. MARJORIBANKS (Berwickshire) asked, If it was the intention of the Government to proceed with the Allotments Bill on Tuesday, or, if not, on what day?

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster) replied, that it was the intention to proceed with the Technical Instruction Bill, by arrangement with both sides of the House, on Tuesday, as early as the exigencies of Supply would permit—he hoped before 11 o'clock—and to take the Allotments Bill on Thursday, he hoped, about 10 o'clock. To meet the convenience of Irish Members the Irish Votes would not be taken next week.

Mr. E. ROBERTSON (Dundee) asked if the First Lord of the Treasury would state the order in which Scottish Business was to be taken on Wednesday?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities) (who replied) said, it was proposed to take the Lunacy Districts Bill first, the Sheriff of Lanarkshire Bill second, the Secretary for Scotland

Bill third, the Technical Education Bill fourth, and the Universities Bill fifth.

RAILWAYS (ENGLAND AND WALES)—THE STRIKE ON THE MIDLAND RAILWAY.

SIR FREDERICK MAPPIN (York, W.R., Hallamshire) asked the Secretary to the Board of Trade, Whether he had any communication to make to the House with reference to the Midland Railway strike?

THE SECRETARY TO THE BOARD (Baron HENRY DE WORMS) (Liverpool, East Toxteth): I think that, having regard to the great importance of the subject, the House will be glad to hear that the Board of Trade has received an assurance from the Midland Railway Company that every possible precaution has been taken to secure the safety of the travelling public, that no casualty of any kind has taken place, that many of the men are returning to duty, and that the principal passenger traffic has been conducted with regularity.

House adjourned at ten minutes before Six o'clock till Monday next.

HOUSE OF LORDS,

Monday, 8*th August*, 1887.

MINUTES.]—PUBLIC BILLS—*First Reading*—Settled Land Act (1882) Amendment * (220); Stannaries Act (1869) Amendment * (216); Trustee Savings Banks * (221).

Second Reading—Agricultural Labourers' Holidays (Scotland) * (212).

Committee—Truck * (179-222); Criminal Law (Scotland) Procedure (No. 2) (*re-comm.*) * (209).

Third Reading—Coroners * (210), and *passed.*

Royal Assent—Water Companies (Regulation of Powers) [50 & 51 *Vict.* c. 21]; Public Libraries Acts Amendment (No. 2) [50 & 51 *Vict.* c. 22]; Incumbents Resignation Act (1871) Amendment [50 & 51 *Vict.* c. 23]; Crofters Holdings (Scotland) [50 & 51 *Vict.* c. 24]; First Offenders [50 & 51 *Vict.* c. 25]; Allotments and Cottage Gardens Compensation [50 & 51 *Vict.* c. 26]; Markets and Fairs (Weighing of Cattle) [50 & 51 *Vict.* c. 27].

PROVISIONAL ORDER BILLS — *Royal Assent* — Public Health (Scotland) (Cowdenbeath Water) [50 & 51 *Vict.* c. cxliv]; Public Health (Scotland) (Duntocher and Dalmuir Water) [50 & 51 *Vict.* c. cxlv]; Local Government (Ireland) (Dublin, &c.) [50 & 51 *Vict.* c. cli]; Gas and Water [50 & 51 *Vict.* c. clvii]; Pier and Harbour (No. 2) [50 & 51 *Vict.* c. clviii]; Local Government (Ireland) (Ballyshannon, &c) [50 & 51 *Vict.* c. clix].

THE NATIONAL RIFLE ASSOCIATION—PROPOSED REMOVAL—WIMBLEDON COMMON.—OBSERVATIONS.

THE EARL OF WEMYSS, in rising to call the attention of the House to the proposed removal of the National Rifle Association from Wimbledon Common, said, that the wise use made by the Admiralty of the Fleet had taught a very useful lesson—the lesson that we could not depend for the inviolability of our vast ports and shores simply on what was called our first line of defence—namely, the Fleet. As General Brackenbury recently pointed out, it was necessary in organizing a system of sound national defence, as regarded our commercial ports and dockyards, to rely mainly upon our Reserve Forces. Of these, owing to their number—something over 200,000 effectives—the Volunteers were now the main element. In 1803, after the threat of invasion, a Volunteer Force arose that numbered 400,000; but when the fear of invasion passed away they also passed away. But the movement of 1859 sprang from the patriotism and public spirit of the people, and instead of falling away in a few years it had gone on increasing in number and efficiency, and in everything that constituted an effective military force. Why was this? It was partly, no doubt, owing to the patriotism and public spirit of the people; but it was also largely owing to the attraction that there now was in rifle shooting, and the friendly rivalry which existed, and the great improvement in small arms. Those who were engaged in advancing the Volunteer movement came to this conclusion—that this rivalry gave an element of permanence to the Force, and that it was desirable to establish a great National Rifle Association. It was also early seen how important it was to attend to the shooting of the men, so that this might be not only a nation of Volunteers but of riflemen, and the National Rifle Association was accordingly formed in 1860. The Association having carefully considered the question, came to the conclusion that no place was better suited for the object they had in view than Wimbledon Common. Its advantages were that it was attractive in itself; it was near London; and there was an enormous tract of ground, and great care had been taken to insure safety—as regarded the general public—in the laying out of butts and ranges. They desired to attract everyone, and to mix classes and masses on the same ground. A liberal allowance had always been made to the tenant of the ground where the bullets might fall, to compensate him for any loss in connection with his agricultural operations. Wimbledon was secured in 1860. The success of the Association had been beyond the fondest hopes of its founders. Since then the total sum received from all sources up to the end of 1886 was £532,865, and out of this £251,876 had been given as prizes and pools; £3,743 had been spent on the purchase of freehold buildings, and £39,522 had been laid out in plant. The working expenses and general administration had taken £224,065. The amount of the Association's investments was £13,357. The prizes given were numerous and costly. In 1860 they were represented by a money value of £2,069, which had increased to £15,000 in 1886. The additional private prizes amounted to a money value of £5,000. The growth of the Association was also rendered plain by a comparison of the entries in 1860 and in 1886. For the Queen's Prize competition in the former year the entries were 299; in 1886 they were 2,463. For the St. George's competition the entries in 1862 were 98; in 1886 they were 2,366. The total entries in 1860 were 1,266; by 1886 they had grown to 40,568. Among the teams that competed at Wimbledon were 17 public school teams and teams from the Cape, Canada, and India. The example of the Association had been followed throughout the country and the Empire, and in 1886 they had 79 federated County Associations and 54 Colonial and Indian Associations. It had also been followed by other nations—France, Germany, and Italy, each of which countries was promoting a similar system—but he believed ours was the only country in which the success of such associations was the result, not of Government or State assistance, but of private individual enterprize. Not only did the Volunteers shoot at Wimbledon, but representatives of the Regulars, the Militia, the Yeomanry, and the Navy were encouraged to shoot there. The Association had done good in other ways, and he attributed largely to its instrumentality the improvements that had been effected in small arms. But all along there had been a "little rift within the lute." Unfortunately for the Association it did not enjoy fixity of tenure. Its tenure of the present ground depended largely upon the goodwill of His Royal Highness the Commander-in-Chief (the Duke of Cambridge), who had kindly allowed firing in the direction of his property. In 1870 the Council of the Association gave an undertaking to vacate Wimbledon when required to do so. He (the Earl of Wemyss) had, while at Cannes, read in the newspapers with dismay that His Royal Highness had intimated at the annual meeting of the Association that this must be their last meeting at Wimbledon, and that he felt compelled to call upon the Association to fulfil that promise in consequence of the danger caused by the practice with long-range rifles. That announcement, indeed, had been received with dismay, as it was feared that it meant the death-knell of the Association as a National Association as it had hitherto existed. He felt that it would be a great national misfortune if the field of the Association's work were changed, and that belief was shared by all who were connected with the Volunteer Force. The Earl of Wharncliffe had written the following letter to him on the subject:—

"I see that you are to call the attention of the House of Lords on Monday to the proposed removal of the annual meeting of the National Rifle Association from Wimbledon to some other quarter. I can conceive nothing more fatal to the encouragement of rifle shooting, both by the Volunteers and Englishmen generally, than the change from Wimbledon to another spot, as none can be found so available for the public generally, or be reached so quickly and cheaply as Wimbledon Common. Many men look forward to their Wimbledon week either as residents in camp or as shooting visitors all the year round, and a spirit of friendly feeling among all classes and nationalities of Volunteers and of interest in their performances is thereby kept up throughout the country. The camp has now lost the character of being for some individuals a long picnic, which was at one time the case, and is a real working gathering of men devoted to rifle shooting. The harmless amusements after evening gun fire, which have never caused any disturbance or scandal, also serve to attract competitors to Wimbledon. I think that removal elsewhere would seriously damp the enthusiasm and ardour for rifle shooting which obtains at Wimbledon, and would probably lead ere long to the death of the National Rifle Association, after which melancholy event you may fairly expect the Volunteer movement to decline in numbers and popularity."

He had also received communications from Lord Burton, and from former Presidents of the Association, expressing regret at the threatened removal, and which Lord Burton feared would make the Association's meeting sink to the level of a Provincial gathering. From the earliest the locality of Wimbledon and its proximity to London led to the annual meeting being largely attended by members of the public of all classes, with many accompanying pleasant social gatherings around the camp fire. The entertainments provided by his noble Friend and others, and the other attractions of the meeting, made the camp one of the pleasantest resorts near London during the summer. None of these advantages were possessed by Pirbright or Hassock's Gate, which were the alternative places suggested. Could any man suppose for a moment that Volunteers from the North of Scotland, who now came to shoot at Wimbledon, or to spend a pleasant fortnight in London, would care to go to Pirbright, which was a desert, or to Hassock's Gate? Those who were in favour of the change did not appreciate or understand that one of the main objects of the meeting was to interest every class in the community, from the highest to the lowest, in rifle shooting. He, therefore, respectfully entered his protest on public and national grounds against the change if it could possibly be avoided. Why was it to be removed? His Royal Highness had in his speech given his reasons for asking the Association to fulfil the undertaking they gave in 1870. His Royal Highness thought it desirable, in the interests of the neighbourhood and the safety of the people about there, that it should be removed. They were all greatly indebted to His Royal Highness for the assistance he had given to the National Rifle Association, and he (the Earl of Wemyss) hoped to be able to satisfy him that the danger was not so great as he imagined, and that the neighbourhood itself did not look upon the National Rifle Association with the hostility which His Royal Highness thought they were looked upon by them. As to the danger, he would remind the House that since the institution of the camp there had been scarcely any accidents directly attributable to the meeting, and none of a fatal character. It was true that one man was shot; but that was because some firing took place at a pasteboard target, and the shot penetrated both target and man. During the 27 years of their existence there had not been a single accident to anyone off the grounds. That was a wonderful immunity, considering that last year alone it had been roughly estimated that some 500,000 shots were fired in the course of the meeting; and if they were to multiply that figure by 10 or 15, they might get some idea of the total number of shots that had been fired on the Common at their meetings, and some idea also of the safety and of danger there. If Wimbledon was dangerous with the precaution they took, it was dangerous elsewhere. Therefore, if men were not to be allowed to let off their rifles unless there was to be absolute certainty that there was no possibility of accident, they would be shut up at once. But His Royal Highness even in that district engaged in cover shooting. Was there no danger in that sport? There was danger in all sports—hunting, steeplechasing, and everything else—but he maintained that he had shown that the danger at Wimbledon had been reduced to a very minimum by the precautions which had been taken. The other reason urged for the removal of the National Rifle Association from Wimbledon was its disagreeableness and annoyance to the neighbourhood. He admitted that Wimbledon was a delighful place for residence; but supposing the villa holders were opposed to the meeting, which they were not, the Association was there first; therefore, the villa holders came there knowing the National Rifle Association was there, with whatever its concomitants might be, pleasant or disagreeable. Then the meeting lasted only for a fortnight, including practically but two Sundays, every year, and nothing like a crowd came down of anything like a disagreeable character. The Association did what it could to get rid of any evils in this respect, and they were prepared to extend their efforts. With reference to the feeling of the residents, it was by no means all the residents who objected. He had received a letter from a well-known resident—Mr. Trelawny Boodle—who said that although his house faced Wimbledon Common and was not far from the annual camp, he and his family experienced no inconvenience whatever from the yearly gathering, and that there were local advantages from the presence of the camp. It afforded a change from suburban routine, brought business to tradespeople, enabled people to let their houses, and prevented over-building along the Kingston Road and Coombe Wood; that he considered that the removal of the camp from Wimbledon would be a blow to the Volunteer movement and to the National Rifle Association; and that, therefore, it would be a national calamity which he sincerely trusted would not occur. That was the view taken by one resident of Wimbledon. He (the Earl of Wemyss) knew he was touching on delicate ground; but one ought not to be afraid when one's conscience was clear. The Association was enormously indebted to the illustrious Duke, who became its President on Lord Herbert's death, had given prizes, diligently attended all the meetings, and from the first manifested a strong interest in its welfare. He was perfectly certain that if His Royal Highness would be satisfied with the reasons which he had given for the retention of the camp at Wimbledon, and his action was directed, not to asking the Association to fulfil the letter of its bond, but to enabling it to remain at Wimbledon—meeting as far as possible the objections which His Royal Highness had made at the United Service Institution—His Royal Highness would, if possible, gain an even greater popularity than he now enjoyed. He would conclude by saying that he considered it his national duty to bring this subject before their Lordships. Happily, it was a subject which was outside Party politics, and his noble Friends on both sides of the House would, he believed, take the same view, and he hoped this combined opinion would have the effect of avoiding or warding off what he could not but think the removal from Wimbledon of the National Rifle Association would be—nothing short of a national calamity, affecting very seriously the numbers, and, possibly, the very existence, of the Volunteer Force. He moved that the removal of the National Rifle Association from Wimbledon Common is a question of national importance, deserving the serious attention of Her Majesty's Government.

Moved, "That the removal of the National Rifle Association from Wimbledon Common is a question of national importance, and deserves the serious attention of Her Majesty's Government."—(*The Earl of Wemyss.*)

THE COMMANDER-IN-CHIEF (The Duke of CAMBRIDGE): I am quite aware that the question brought forward by my noble Friend (the Earl of Wemyss) is an important one, and that it should be treated with every care. I am very anxious that your Lordships should understand that I do not put forward my personal interest in the matter; but I consider that there are reasons which make it necessary, unfortunately, that the meeting of the National Rifle Association should be held elsewhere. My noble Friend has said everything that could possibly be said in favour of the Association, and I agree that every word he has uttered is correct. Still, I do not come to the conclusion at which my noble Friend has arrived, that it is absolutely necessary for the Association to remain at Wimbledon. Your Lordships will decide as you like, and I will leave the House as soon as I have concluded my observations, and I hope everybody will say exactly what he thinks. I have no wish at all to interfere. I can assure my noble Friend that I entirely agree with him that the National Rifle Association has taken most extraordinary precautions to prevent accidents, and I believe there has been no external accident, though but for those precautions there would have been accidents every year. Not a single year during the 27 years they have been shooting there but I have wished them to go elsewhere. Yet I have been silent, because I was as anxious as my noble Friend to see this institution assume a national character. Its removal might for the moment have a material effect; but I do not think that it would in any respect ultimately upset or damage the great interest which the nation has in this annual gathering. I can only tell my noble Friend what has come to my knowledge. Every year a considerable proportion of bullets go through the whole of the ground behind the butts. Now, I ask your Lordships whether that is a proper condition of things? Wimbledon is really now becoming London. Not only is London growing in that direction, but the villa, and even the town, population are extending in every direction. If the National Rifle Association expect long to remain at Wimbledon I believe they will find themselves very much mistaken, because the neighbourhood must extend and houses must be built; and all I can say is that I should be very sorry to live in any house within the neighbourhood of or behind those butts where they shoot. This is the present condition of things; and this is the only reason why I have certainly expressed a hope that they should go elsewhere. I have not pressed the Association. I gave notice that they might shoot this year. They have asked me to give a further year, and I have willingly assented. I have no wish, as I said, to press them at all; but I wish to impress upon them that I think they ought to find another range less dangerous than Wimbledon. The place is so unsafe that it has to be guarded all round. I know that one of the residents happened to go into their garden, and was in the act of picking a flower, when a bullet whistled past their head, though, fortunately, no accident occurred. This was a person who lived just behind the butts. Now, would any of your Lordships like to run a risk of that sort? I go further, and I say that all the ranges near London are most dangerous. Even with the small amount of shooting at Wormwood Scrubbs it is, I consider, dangerous; and surely at this great gathering at Wimbledon, with an immense number of men assembled, many of them most anxious to do well, but many of them careless, it is almost impossible to prevent risk of accident. All I wish your Lordships to understand is that I would in no way damage the National Rifle Association. I am its President. When I suggested the removal of the range I suggested that they should elect another President; but they very handsomely re-elected me, and I am very grateful for it. This, however, is not a question of the National Rifle Association, but of the safety of the range to be used, and I warn your Lordships that the range at Wimbledon is not safe.

There was talk about considerable outlay on the butts at Wimbledon, and I thought it would be very unfair if I did not frankly say—"Do not spend your money on butts at Wimbledon, because I think you will have to go elsewhere." Consequently this year I gave the notice. My noble Friend says they could not go anywhere else, but I would remind my noble Friend that the Royal National Artillery Association hold very successful meetings at Shoeburyness, and if that is not an out-of-the-way place I do not know what is——

THE EARL OF WEMYSS: That is a different thing.

THE DUKE OF CAMBRIDGE: I cannot at all see why there is any difficulty in going to Pirbright; but I do not adhere to Pirbright—there is Hassock's Gate. People go to Goodwood and to Epsom to see the races, and why should they not go a little further than Wimbledon for the shooting, which is of the greatest national importance and of the greatest possible value. As to Pirbright, which has been mentioned, I have no reason to think it is at all a bad place. Hassock's Gate I know nothing about, but there is more range accommodation at Pirbright than at Wimbledon. Lord Spencer, Lord Brownlow, Lord Wantage, and Lord Wemyss have done everything in their power to make Wimbledon agreeable by inviting the Prince of Wales and others, and I dare say you will find people ready to sacrifice to some extent their convenience, even to go to a place like Pirbright. I speak of Pirbright, because, perhaps, there Her Majesty's Government might be of some use to the National Rifle Association. It comes to this, whether we are to have a range or a "raree" show? If a raree show is agreeable, then Wimbledon is the proper place, but I think the feeling now is in favour of good shooting competition, and wherever that takes place you will always find riflemen, although you may not find a smart company. The question is whether Wimbledon is a proper place for the National Rifle Association to hold its annual gatherings at. I believe that if my noble Friend and others, and the Council of the Association, were to put their heads together they would be able to find quite as good a place as Wimbledon, and one which was not dangerous in any respect. My Lords, I have said my say. I thought it was only fair that the matter should be placed in a proper light by those who take an opposite view to that of my noble Friend. He agreed with everything his noble Friend had said, except his view that there was no other place but Wimbledon where the National Rifle Association meeting could be conducted as it was. I go thoroughly with my noble Friend in wishing to keep up the National Rifle Association, and I will do anything and everything I can to help and maintain it; but I differ from my noble Friend as to its being impossible to find a suitable range to take the place of Wimbledon, which is a most dangerous piece of ground for this most useful and most valuable annual gathering.

Lord WANTAGE said, he was desirous to put the House in possession of a few circumstances which were necessary for the adequate comprehension of the case. Previous to 1870 the National Rifle Association held their annual shooting meetings on Wimbledon Common by permission of Lord Spencer, the then lord of the manor. When Lord Spencer made over his right to the commoners, it was stipulated that the National Rifle Association should continue to use it for their annual meeting, under certain terms that were embodied in an Act of Parliament. One of two clauses in this Act provided that, in the event of the National Rifle Association being dispossessed of their rights over the common pecuniary compensation should be made to them for losses sustained, and for money expended. At the same time that this Act of Parliament was obtained the National Rifle Association entered into an agreement with his Royal Highness the Duke of Cambridge, who had just addressed their Lordships with so much good taste and feeling. His Royal Highness's land at Coombe adjoined Wimbledon Common, and was liable to be somewhat affected by bullets flying over it, and it was agreed that the Association should withdraw whenever called upon by the noble Duke to do so. The present crisis had arisen not from any action taken by the people of Wimbledon, but from the Duke having given notice that he demanded the fulfilment of the engagement entered into between himself and the National Rifle Association—namely, that Wimbledon Common should be given up. The National Rifle Association had asked His Royal Highness for a year's grace, which he had granted to them. But after next year, unless a fresh arrangement could meanwhile be made, the Association would be compelled to seek other rifle ranges and to hold their meetings elsewhere. The Association were fully conscious of the obligations they owed to His Royal Highness for the facilities he had hitherto afforded them, and without which the Wimbledon meetings could not have been held. His Royal Highness had generously done on a large scale for the National Rifle Association what other landowners throughout the country had done for local Volunteer Corps; and in all honour and good faith such liberal concessions should not be taken advantage of in the direction of further claims. But so singularly unanimous a feeling prevailed among Volunteers and the shooting public in favour of Wimbledon above all other possible sites that an obligation seemed imposed upon those responsible for the management of the Association to make every effort to secure its retention. Clearly, however, nothing could be done unless His Royal Highness was willing to give the matter favourable consideration, and to agree to some new arrangement whereby his pecuniary rights should not suffer and full compensation be given him for that portion of his land the value of which for building purposes was likely to be affected. Should His Royal Highness consent to any such arrangement the funds necessary for the purchase of property must be sought for in a grant of public money which might be supplemented by contributions from Volunteers and others interested in maintaining what had become a national institution of 28 years' standing. There was reason to believe that the people of Wimbledon and the neighbourhood looked with no favourable eye upon the prospects of land in close proximity to their common being built over, and they apparently preferred to keep the Volunteers at Wimbledon rather than have the slopes of Coombe covered with houses. On the other hand, it could hardly be expected that either the Government or the public should advance anything like the sum required for the purchase of the land in question, unless something more than an annual fortnight's use of the rifle ranges could be secured. The National Rifle Association should endeavour to obtain from the commoners of Wimbledon, in consideration of the Coombe land, which would be permanently added to the common, the concession of the use of a portion of their common for permanent ranges. These ranges, which would be used by Volunteers throughout the shooting season, would be limited in number and would be rendered absolutely safe by the construction of a system of screens which would effectually prevent bullets from passing beyond the limits of the butts. Such ranges in close proximity to London would be of immense advantage to the Volunteers of the metropolis who, year by year, were being excluded from the use of ranges they had hitherto enjoyed. Without some such facilities the practice of rifle shooting necessary to the efficiency—indeed, to the very existence—of the Volunteer movement would become impossible except under circumstances involving almost insuperable difficulties of expenditure and of transit to distant ranges.

THE EARL OF WEMYSS said, he would ask leave to withdraw his Motion, on the ground that the withdrawal would permit the subject to be discussed with greater freedom, and enable some of their Lordships to take part in the discussion who otherwise would not do so.

EARL SPENCER said, that as his name had been frequently mentioned during this discussion, he should like to say a few words on the subject. He was associated with his noble Friend (the Earl of Wemyss) in the original formation of the National Rifle Association, and it was his lot, as lord of the manor of Wimbledon, first to introduce the Association there, and he had always felt the deepest interest in its prosperity. At the present moment he was no longer connected as lord of the manor with that part of the Common over which the Association held its meetings, and he did not speak, therefore, as lord of the manor, but as one who had been so long connected with and interested in the National Rifle Association. It would not be necessary for him to follow his noble Friend in what he had so clearly and ably said as to the work of the National Rifle Association. He fully shared with him the belief that that work had been of great good, not only to the Volunteers, but to the Nation at large. As had been pointed out by His Royal Highness the Duke of Cambridge who had now left the House, the Volunteers were now established on an efficient and permanent basis. This was due to a variety of causes—first, to the patriotism of those who had joined the Force as officers and men; secondly, to the public both in town and country who had assisted the Volunteers with moral and material support. It was also largely due to the officers and men of the Army, from His Royal Highness to the humble private who helped to mark at Wimbledon, who had always given great assistance to the Volunteer movement. These had been the causes which had contributed to place the Volunteers on the present efficient and admirable footing; but they must not forget that the National Rifle Association had also had great influence on the Force. As his noble Friend had said, rifle shooting, which had been stimulated at Wimbledon, had done a great deal to keep men together in the Volunteer Force and to make others desirous of joining it. He knew numbers of men who would never have joined the Volunteers but for the shooting. The National Rifle Association had really created a new national pastime. Through their efforts rifle-shooting had become throughout the length and breadth of the land one of the pastimes of the nation. This had had a great influence on the Volunteer Force; the National Rifle Association had not only made the Volunteers efficient in the use of arms, but had kept in the ranks many who would not otherwise have joined. He need not speak of the use which the National Rifle Association had made of the meeting on Wimbledon Common. Its meetings had become friendly gatherings of men, not only from this country, but from all parts of the Empire, India, and the Colonies, to compete at the butts and had largely promoted a spirit of brotherhood between the Army and the Volunteers. All this had been done at Wimbledon, and it was possible, though he thought it very doubtful whether the same good effect would have come about if they had not been able to hold this great national gathering so close to London. He would venture to say that thousands of Volunteers would have been unable or unwilling to shoot at Wimbledon if they had not come to London for the purpose. Moreover, thousands of visitors from all parts of the United Kingdom and abroad would have been ignorant what the Volunteers could do with their arms if the place where the National Rifle Association held its meetings had not been close to London. The great success which had attended the Volunteer movement, and the great influence which the National Rifle Association had had on that movement, had been greatly due to its meetings being held in the near neighbourhood of London. He would, therefore, deeply regret that what had been productive of good in the past should be taken away from the meetings of the National Rifle Association in the future. His Royal Highness had remarked that the meetings of the National Rifle Association would have been successful if not held at Wimbledon, and he referred to the success of the meetings of the National Artillery Association at Shoeburyness. But there was a great difference between those meetings. The object of the meeting at Wimbledon was not only to promote rifle-shooting by the Volunteers, but to improve the arm itself and to make rifle-shooting, as it had become, a national pastime. It was altogether different with Shoeburyness, for it was impossible to make Artillery shooting a national pastime. That was the distinction between the artillery and the Rifle Volunteers. He was not for a moment inclined to derogate from the importance of the meeting of the Artillery Volunteers; but the circumstances of the two Associations were altogether different. One must necessarily have a place like Shoeburyness at which to hold its meetings, but the other might have a place which should be the most convenient for people to congregate at. His Royal Highness had spoken of Wimbledon as now being surrounded by villas, and of rifle-shooting there as constituting a permanent danger. He ventured to think that His Royal Highness was under some misapprehension. He quite agreed with what his noble Friend the present President of the Association (Lord Wantage) had said as to the limitation of the area over which there was any danger. The Common was singularly situated. There was a long range on the flat over 1,000 yards. Then there was a great fall in the ground, which still belonged to the Common, and beyond that there were fields which were at present merely agricultural land. It was only on that agricultural land—a very small area—that there was any danger. That was the only place where there was any risk of the Volunteers firing over the butts. He would venture to say that there was no ground available for villas at all within the range of the National Rifle Association butts. It came to a question, then, of this land immediately behind the butts. Most of their Lordships would probably agree with him that it would be a monstrous thing to take advantage of the position of His Royal Highness, and of the great interest which he took in the Association, in regarding the situation in which land which principally belonged to him was placed. If there was any prospect of this land being used for building land, it ought, in his opinion, to be secured for the National Rifle Association, and it might be done in a variety of ways. He confessed that he attached such immense importance to keeping the National Rifle Association at Wimbledon, that he thought that alone would justify a great effort being made to secure this land behind the Common. It might be possible to secure further permanent ranges at Wimbledon, but that opened up questions of great difficulty, and he should deprecate mixing up that subject with securing the retention of the Common for the National Rifle Association. He therefore ventured to hope that Her Majesty's Government would take up this matter and consider it from a national point of view. He did not think there need be any practical difficulty in the way of coming to a satisfactory settlement. No doubt, during the meeting the Common had to be guarded from 9 o'clock till firing ceased, and during that time those who habitually used the Common could not make use of it. But that was not a large sacrifice for those who lived in the neighbourhood to make for a great national object when they had the free use of the Common during all the rest of the year. During the meetings extreme precautions had to be taken and the police to be protected in iron huts, but that was a necessary accompaniment to rifle-shooting in such a locality. The public could be fully secured from danger, and it was of great national importance that a satisfactory arrangement should be come to with those who had land in the district. He should view with alarm the decision that henceforth the National Rifle Association, which had been such a success at Wimbledon, would have to move to some other locality, and there to make the experiment of continuing its existence. He sincerely trusted that Her Majesty's Government—although they could hardly expect them on the present occasion to come to any decision—would fairly consider this great national question, and would do their best to secure the retention of Wimbledon Common for the meetings of the National Rifle Association.

EARL BROWNLOW said, he was glad the Motion had been withdrawn, or he would have had considerable difficulty in taking part in the discussion. There was no one more fitted to bring this subject before the House than the noble Earl (the Earl of Wemyss), because it was due to his indomitable perseverance, coupled with the patriotism of the noble Earl opposite (Earl Spencer), that the National Rifle Association was founded. As a member of the Council of that Association who had passed the Chair, he would like to be permitted to say that he agreed with what the noble Earl and other noble Lords had said with regard to the removal of the annual meeting of the Association from Wimbledon. He firmly believed that the removal would be a tremendous blow, not perhaps at the National Association, but at the national usefulness of the Association. They must remember that at that annual meeting those who assembled were not all Volunteers. There was, in the first place, a large camp of ordinary gentlemen, who were not Volunteers—who were eminent rifle-shots, and took a deep interest in the whole question of rifle-shooting; and the honorary members' camp would probably be a very small one if the Camp were removed from Wimbledon. Then he was glad to say that every year they had teams sent from Colonial Corps to compete in friendly rivalry with the Volunteers of the Mother Country. From time to time, also, they had had foreign guests—American teams, Belgian teams, and individual foreigners—who came over to take part in our great national rifle meeting; and it mus also be remembered that besides these and the Volunteers and others who were in camp, a great many competitors came daily from London who lived in London, and who were unable to go into camp. Now, if the meeting were removed from London, very few of these would be able to become competitors. He firmly believed that the removal of the meeting from Wimbledon Common would be a bitter and grievous disappointment to the persons he had named, and he trusted that some means might be found of keeping it where it was now, and where it always had been.

LORD TRURO said, that the National Rifle Association might be called the parent of rifle-shooting in this country. The two main questions which they now had to consider were, in the first place, how far the Association was essential or even vital to the Volunteer Force; and, secondly, whether the danger to the community was or was not such as to entitle anyone to anticipate grievous injury either to individuals at Wimbledon or to the value of property in that district. When he had heard the noble Earl (the Earl of Wemyss) say, and his Royal Highness the Duke of Cambridge admit, that no person had suffered death or even injury within the ranges of the National Rifle Association, it was very strong evidence in favour of its continuance. His Royal Highness had referred to Shoeburyness; but, for his (Lord Truro's) own part, he contended that there was no comparison between the two cases. Unless those who were opposed to the retention of the Camp at Wimbledon were prepared to show that amazing benefits would occur if it were transferred, he could not conceive a greater calamity.

THE UNDER SECRETARY OF STATE FOR WAR (Lord HARRIS) said, he was sure their Lordships would agree with the noble Lord (Lord Truro) in saying that they were all much indebted to the noble Earl (the Earl of Wemyss) for having brought this question forward. It was necessary that in a matter of this kind the country at large should understand what were all the circumstances that surrounded the case before it was possible for the Government to decide the point. He had been appealed to by several noble Lords to say that the Government would take the question of the National Rifle Association meeting staying at Wimbledon into consideration. There was not the slightest doubt that the question of rifle-shooting was now a national question; but if the noble Earl had pressed his Motion he could not have accepted it, because it implied that the retention of the National Rifle Association at Wimbledon was a national question. He had heard on all sides that the National Rifle Association could not exist unless it met at Wimbledon.

THE EARL OF WEMYSS: I never said so.

LORD HARRIS said, the noble Earl had referred to various competitions which would not take place if the Camp were removed from Wimbledon. He did not suppose anyone denied the advantages which the National Rifle Association had been to the Volunteer movement; but he confessed he should not have believed it possible, if it had not been for the mass of opinion which had been offered by the noble Lords, that blood was only to be found in the heart, and that it did not go through all branches of the body. He believed there was immense vitality in the different county and district Rifle Associations, and the private meetings held by Volunteer Corps, and he could not believe that they were to be supposed to die away because the National Rifle Association was not at Wimbledon. He absolutely declined to believe that there was not more public spirit and patriotism in the Volunteers of England than that the movement would dwindle and decay because the National Rifle Association did not go on at Wimbledon. He believed the same respect and affection for an Institution which had done so much would remain, and would follow it to its new quarters. He did not think the Government could fail to recognize and to take into consideration the opinions of noble Lords who had expressed themselves to-night upon this subject to the effect that they thought the National Rifle Association could not get on or be so successful if removed from Wimbledon. That statement, he was sure, would attract the attention of the Government, and, no doubt, they would consider any proposals that the National Rifle Association might make when the time came. At present there was not, so far as he understood, anything practical that the National Rifle Association were prepared to put forward, and therefore it would be impossible for the Government to pledge themselves with their eyes shut to accept any scheme which might be put forward. This, however, he could say, that the Government recognized the fact that the encouragement and support of rifle shooting was of national importance. They had already recognized this for 10 years, by the assistance which they had given every year. In this year's Estimates a sum of £3,000 would be found for expenses in connection with the meeting, for ammunition and wear and tear of material. He did not think that any Government, if there were any chance or prospect of the extinction of an Institution which had been of such national value, would hesitate to give what assistance lay in its power in order to keep it going. His Royal Highness the Duke of Cambridge had spoken of Shoeburyness and of Pirbright. Of Shoeburyness, however, he had only spoken with regard to the meetings of an Association not exactly parallel, but similar, which was successful though its meetings were at a long distance from the Metropolis. With regard to the suggested removal to Pirbright, he might say that ample range accommodation could be obtained there, besides excellent railway accommodation, with water and other essentials; and if the National Rifle Association were placed in the position that they could not continue at Wimbledon, and could find no place nearer London than Pirbright, then he could assure them that so far as the present Government were concerned, every facility would be given to make them welcome guests there. He understood certain schemes had been put forward from different places, and he hoped that before the time came—which would be nearly two years from the termination of notice to quit—it would be possible to put forward some scheme which the Government could support, and which would place the National Rifle Association in a position not less favourable to their supporting the National pastime of rifle-shooting than that which they had hitherto held.

THE EARL OF WEMYSS said, he believed great good would come of this discussion, and he only rose now to express his thanks to his noble Friend (Lord Harris) who had replied on behalf of the Government. He trusted they might be in a position to place some such scheme as had been spoken of before the Government.

Motion (by leave of the House) *withdrawn.*

TRUCK BILL.—(No. 179.)

(*The Lord Macnaghten.*)

COMMITTEE.

House in Committee (according to Order).

Clauses 1 and 2 severally *agreed to.*

Clause 3 (Workmen to be entitled to advance of portion of wages).

THE DUKE OF ARGYLL, in moving to strike out the clause which deals with advances to workmen, and provides that whenever by agreement, custom, or otherwise a workman receives in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it shall not be lawful for the employer to withhold such advance or take any profit, discount, or interest, or make any charge or reduction, or impose any condition for or in respect of any payment of a part of wages, said, he thought it was a very inexpedient and very violent one in its interference between employer and workmen. Not only did it specify modes and times of payment of wages, but it provided that there was to be no deduction for advances. Such powers as these had nothing to do with the subject of truck, and he thought it undesirable to provide that where circumstances had led to a certain arrangement there should be no liberty to change the arrangement though circumstances might change. He was entirely in favour of the principle of the Truck Acts, which he considered most valuable legislation; but this clause was foreign to that principle.

Moved, "To strike out the Clause."—(*The Duke of Argyll.*)

LORD BRAMWELL said, he thought the clause so worded as to be in part nugatory, and to defeat its own object, and he hoped it would be rejected.

THE EARL OF CAMPERDOWN said, it was absolutely impossible to understand the clause as it stood, which he thought was absurd.

LORD MACNAGHTEN said, he must confess that the clause had little to do with the main principle of the measure, and that it was extremely difficult to understand it. It did not seem to arise out of the main principle of the Bill.

Motion *agreed to;* Clause *struck out* accordingly.

Clause 4 *struck out* of the Bill.

Clause 5 (Workmen in Scotch quarries to be paid fortnightly).

Moved, "To strike out the Clause."—(*The Viscount Cross.*)

EARL BROWNLOW said, he would rather amend the clause. It dealt with the period of payment of wages to workmen; but it dealt only with the workmen in stone quarries in Scotland, and he could not understand why these should be particularly picked out for this treatment.

Motion *agreed to;* Clause *struck out* accordingly.

Clause 6 (Saving for servant in husbandry).

THE LORD CHANCELLOR (Lord HALSBURY) said, he would point out that the framers of the clause seemed to be under the impression that, by a reference in it to the existing law, they brought this mode of payment within the law. Now, he held that they had done nothing of the sort; and, therefore, he would suggest to his noble and learned Friend (Lord Macnaghten) to bring up an amended clause dealing with it.

THE DUKE OF ARGYLL said, it was the case that all over Scotland shepherds and others received a portion of their pay in the form of cottages, and he had never heard it suggested that that practice was illegal.

Clause *agreed to.*

Clauses 7 to 11, inclusive, severally *agreed to.*

Clause 12 (Artificer to be paid in cash, and not by way of barter, for articles made by him).

THE DUKE OF ARGYLL said, the clause practically forbade barter, for it provided that when persons worked at their own homes, the shopkeepers to whom they took their goods to sell should not be allowed to pay for them in groceries or bread, or otherwise, except by money. That, he would point out, converted the shopkeepers into employers, and those who made the articles into *employés.* He knew many parts in the Highlands and Islands of Scotland where home industries were common, and it was almost impossible to avoid barter of this kind. The women made stockings, and in Shetland they made most beautiful shawls, and exchanged these goods for provisions; and it would be most inconvenient to prevent them doing so. He objected altogether to that, and had he noticed it in time before the second reading, he would have moved that it be read a second time this day three months, so that the Bill might be wholly recast.

Lord MACNAGHTEN said, there was a provision at the end of the clause suspending its operation in cases where it was desirable to do so.

The Duke of ARGYLL: Then that was to say that the framers of the Bill were so conscious of its impropriety that they said the Queen in Council might suspend it. Nothing more clumsy was ever attempted.

Lord HALSBURY also objected to the clause, which related to people who were wholly independent of each other.

Clause *struck out.*

Clauses 13 to 19, inclusive, *agreed to.*

Schedule.

Lord HALSBURY said, he would point out that there was an enormous amount of repeal of parts of existing Acts of Parliament, and it would be an endless puzzle to the Judges to ascertain what the law really was.

Schedule *agreed to.*

The Report of Amendments to be received on *Thursday* next; and Bill to be printed as amended. (No. 222.)

MARRIAGE ACTS — THE SEBRIGHT MARRIAGE—REGISTRAR OF MOUNT STREET.—QUESTION.

Lord STANLEY of ALDERLEY asked the Government, Whether any Notice has been taken of the conduct attributed to the Registrar of Mount Street, who would appear from the Report of the proceedings in the Divorce Court in respect of Mr. Sebright's marriage, to have been blind to the compulsion used by Mr. Sebright and his friend? It was not necessary to go into details, since compulsion was the ground on which the marriage had been annulled, and this had been confirmed by the decree having been made absolute about six weeks or two months ago. He thought the Registrars required to be cautioned to prevent their offices being abused in a similar way.

Lord BALFOUR (for the Local Government Board) said, he was rather surprised that the noble Lord should have thought it worth while to raise such a question as the one under notice after this lapse of time. The Local Government Board had no direct control over the Registrars, who were subject to the Registrar General. But he (Lord Balfour) had received a communication from the Registrar, in which he stated that he had no ground for suspicion in the matter, for he had seen an announcement that the parties were shortly to be married before he received the notices, and that he had observed nothing unusual in Miss Scott's demeanour until after the ceremony had been completed, when she forgot to sign the register. It was also true that after the marriage ceremony was completed, Miss Scott drew the ring from her finger—not at the time it was put on, as she stated to the Court—and then went to the door. The duties of the Registrar were simply to administer the law. He had to take care that the parties were of full age, and that the legal requirements had been complied with, and there his duty ended. The Registrar General had not thought it necessary to take any notice of the matter, and in that, he thought, the Registrar General was quite right. Being anxious to give as satisfactory an explanation as possible, he had read all the documents which had been brought before him in regard to this matter, and, as far as his humble judgment went, he thought that the decision of the Registrar was right.

Lord BRAMWELL said, the noble Lord's speech had convinced him that the case was an example of the great inconvenience of an inquiry of this description. They knew now that a grievous compulsion was used. They knew it, because they were told not only what took place in the Registrar's office, but also what occurred days and weeks previously and subsequently. Yet this gentleman was, as it were, by implication to be censured because he did not, with the materials before him, come to the same conclusion as the Probate Judge, who formed his judgment on quite different materials.

AGRICULTURAL LABOURERS' HOLIDAYS (SCOTLAND) BILL.—(No. 212.)

(*The Earl of Camperdown.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF CAMPERDOWN, in moving that the Bill be now read a second time, said, that it came from the other House, and that its object was to entitle by law farm servants to four holidays every year, in lieu of the fast days and fair days.

Moved, "That the Bill be now read 2ª."—(*The Earl of Camperdown.*)

THE DUKE OF ARGYLL said, that the noble Earl had given a very short account of the Bill, which had passed the House of Commons. The noble Earl did not explain to them why the Bill was to apply only to agricultural labourers, or why it was necessary that Parliament should interfere in the matter at all. He thought it was a piece of unnecessary legislation. Then he objected to part of the 2nd clause, which said that no deduction on the wages of servants should be made in respect of such holidays. That was a most extraordinary provision, and it occurred to him on reading it to discover whether there was any similar provision in Sir John Lubbock's Acts with reference to Bank Holidays, and, on looking, he found that there was no clause of a similar kind.

THE EARL OF WEMYSS said, he thought he could explain why the benefit of this Bill was confined to agricultural labourers. The agricultural labourers had lately been enfranchised, and at the Election before last they voted for the Liberals, because they thought the Liberals had given them their vote, and now, after this Bill, they would probably be expected to continue to vote in the same way. He approved of the view taken of the measure by the noble Duke.

THE SECRETARY FOR SCOTLAND (The Marquess of LOTHIAN) said, the Bill appeared to him to be an absolutely unnecessary one. At the same time, there was this to be said for its being brought forward. In a great many places in Scotland it was proposed to do away with fast days, and the agricultural labourers who got these days as holidays would thus be deprived of them, while the Bank Holidays would not affect them. These people would, however, have these holidays, whether by Act of Parliament or not. Still, he considered the Bill so harmless, after the omission of the words in Clause 2 to which the noble Duke alluded, that their Lordships might allow it to pass.

THE EARL OF CAMPERDOWN said, the noble Marquess had given the correct explanation of why the Bill applied only to agricultural labourers. It was intended to substitute for two fast days New Year's Day and the annual hiring day, which had been established, by universal practice, as holidays—the four holidays mentioned in the Bill. It was quite true that fast days had been abolished in some districts with the greatest possible advantage, he believed. If the Bill did no good, it would do no harm, and he hoped their Lordships would allow it to proceed.

LORD BRAMWELL said, he thought the Bill objectionable, and its drafting seemed to him crude and careless. If the Government thought the Bill would do no harm he would be sorry to oppose it; but it appeared to him that every clause of the Bill was open to objection.

THE SECRETARY OF STATE FOR INDIA (Viscount CROSS) said, that the noble Earl in charge of the Bill had not answered the Question put by the Secretary for Scotland, as to whether, if the Bill were read a second time, he would strike out the words in Clause 2, as to there being no deduction of wages in respect of the holidays?

THE EARL OF CAMPERDOWN said, that no deduction was or could be made at the present time, because agricultural servants, or the great majority of them, were yearly servants. He believed that the provision would have no practical effect, therefore, he was perfectly willing to dispense with it. He would, however, urge that great store was put upon this Bill in Scotland. If it did no good, it, at all events, would do harm.

LORD BALFOUR said, no one had as yet alluded to what he thought was the real danger. He considered it a dangerous Bill in the interests of the farm servants, because a niggardly employer might take advantage of the Bill to limit the holidays of his servants to the four days; whereas, he believed agricultural labourers got many more holidays in the course of the year. He hoped the promoters of the Bill would consider whether it would really do the agricultural labourers any benefit, and, whether, in the circumstances, it was worth while going on with it.

THE DUKE OF ARGYLL thought the abolition of fast days affected only the population of large towns, like Edinburgh and Glasgow.

THE MARQUESS OF LOTHIAN reminded the noble Duke that fast days had been abolished in many of the rural districts.

THE CHAIRMAN OF COMMITTEES (The Duke of BUCKINGHAM and CHANDOS) pointed out that the provision respecting the attending to cattle, as it stood, applied generally to other days than the four holidays specified.

THE EARL OF CAMPERDOWN said, that was a matter that would, of course, be subject to correction. He thought the intention of the Bill was that any servant who was called upon to perform service in the care of live stock would have to take his holiday on a different day. He would also consider the point raised by the noble Duke, and endeavour to meet his objection as well as he could.

On Question? *Resolved* in the *affirmative.*

Bill read 2ª accordingly.

House adjourned at half past Seven o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Monday, 8*th August*, 1887.

MINUTES.]—SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES; CLASS II. — SALARIES AND EXPENSES OF CIVIL DEPARTMENTS, Votes 16 to 28

PUBLIC BILLS — *Ordered* — *First Reading* — Local Authorities (Expenses) * [361]; Charity Commissioners (Officers) * [362]; Expiring Laws Continuance * [363]; Public Works Loans* [364]

Second Reading—Friendly Societies Act (1875 Amendment (No. 3)* [353].

Committee — *Report* — Metropolitan Board of Works (Money) * [345].

Withdrawn—Limited Owners (Scotland) (*re-comm.*) * [341]; Agricultural Holdings * [87]; Places of Worship (Sites) * [5]; Ecclesiastical Assessments (Scotland) * [11].

QUESTIONS.

MERCHANT SHIPPING ACTS—LOSS OF THE "CARMONA."

MR. EDWARDS-MOSS (Lancashire, S.W., Widnes) asked the Secretary to the Board of Trade, Whether he has read the Report of the Court which inquired into the circumstances attending the loss of the *Carmona;* whether he has considered that Report in connection with the evidence which was submitted to the Court, especially in regard to the stowage of the cargo; and, whether the Board of Trade propose to take any further steps in the matter?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): Yes, Sir; I have read the Report in the case of the *Carmona;* but the Board of Trade have no power to review the evidence given to, or the decisions of, any Court of Inquiry. In the present case, as the Court has finally reported that—

> "There was no evidence before the Court to enable them to form an opinion of the cause of the loss of the vessel,"

and as no further evidence has been obtained, the Board of Trade do not propose to take any further steps in this particular case; but the question raised with regard to the shifting of iron cargoes is too important to be lost sight of.

SOUTH AFRICA (NATAL)—THE CHIEF LANGALIBALELE.

MR. DILLWYN (Swansea, Town) asked the Secretary of State for the Colonies, Whether since the return of Langalibalele to Natal, definite arrangements have been made for that Chief's residence and support; and, whether the Governor has made any recent Report on the subject?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): As to the definite arrangements for Langalibalele's return, I have nothing to add to the answer given to the hon. Member on the 11th of March. About two months ago a despatch was received from the Governor of Natal announcing that Langalibalele, with his family and attendants, having arrived on the 27th of

April; and, pending the completion of the preparations at Swart Kop, had been lodged in a block of buildings in the outskirts of Pietermaritzburg, where they were comfortable and satisfied with their accommodation and treatment.

ADMIRALTY — INSTRUCTION OF ENGINEER OFFICERS.

SIR EDWARD J. REED (Cardiff) asked the First Lord of the Admiralty, If it is true that Executive Officers of the Royal Navy, not of the Engineer Class, are employed in some cases as Instructors of Engineer Officers or students in the construction and working of the gun machinery of Her Majesty's ships; if he will state why this course is pursued; and, whether he is aware that it is a cause of dissatisfaction to engineer officers?

THE SECRETARY (Mr. FORWOOD) (Lancashire, Ormskirk) (who replied) said: The lieutenant of the senior staff of the *Excellent* does give instruction to those qualifying for gunnery officers and to engineer officers in relation to the practical manipulation of the hydraulic machinery as applied to gunnery. The theoretical and purely engineering instruction in regard to hydraulics is given by engineer officers to engineers. This procedure, adopted in 1886, was arranged in consultation with the Engineering Chief of the Admiralty. It has worked well; no dissatisfaction has been expressed, as far as the Admiralty are aware, nor do they think any reasonable grounds exist for such a feeling.

BOARD OF TRADE—BUREAU OF LABOUR STATISTICS.

MR. BRADLAUGH (Northampton) asked the Secretary to the Board of Trade, Whether he will communicate to the House, or lay upon the Table, the Minute establishing the Bureau of Labour Statistics and showing the duties of the Labour Correspondent?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): There is no such special Minute as that referred to by the hon. Member; but I find that on Mr. Burnett's appointment the then President of the Board of Trade decided that any inquiries that would have to be made of Trade Unions, Trade Societies, or from the labouring classes, either individually or collectively, should be conducted by the Labour Correspondent; and that, in addition, he should be consulted with regard to the Forms and Schedules which were to be sent out to the representatives of all manufactures, with a view to obtaining minute and accurate information relative to the economic condition of the working classes. As regards the arrangements made by the Board of Trade for collecting and publishing statistics relative to labour, a Memorandum was prepared and presented to the House of Commons last Session.

HER MAJESTY'S JUBILEE—THE AMNESTY.

MR. BRADLAUGH (Northampton) asked the Secretary of State for War, Whether several men who had given incorrect answers on attestation, and who had reported themselves to obtain the benefit of the recent Royal Proclamation, have been placed under arrest; and, whether the benefit of the Proclamation includes men who in re-enlisting had concealed the fact of previous discharge?

THE SECRETARY OF STATE (Mr. E. STANHOPE (Lincolnshire, Horncastle): The Royal Proclamation did not extend to men who had given false answers on attestation; but those who have confessed to such an offence, under the idea that they would be pardoned, have been allowed to serve without trial for the offence.

WAR OFFICE—CABUL PRIZE FUND.

MR. BRADLAUGH (Northampton) asked the Secretary of State for War, Whether, in October 1879, a prize fund was formed, in consequence of captures made at Cabul by the forces then commanded by General Roberts; how much that prize fund in all amounted to; and, what disposition has been made of the moneys?

THE UNDER SECRETARY OF STATE FOR INDIA (Sir JOHN GORST) (Chatham) (who replied) said: The value of the property captured at Cabul, and paid into the Treasury by the Prize Committee, was 10¼ lakhs of rupees. Most of this was given to the Ameer Abdurrahman. The troops received donation batta, amounting to about 60 lakhs, in lieu of prize.

POST OFFICE (SCOTLAND)—DELIVERY OF LETTERS IN FIFESHIRE—LESLIE, MARKINCH.

MR. R. PRESTON BRUCE (Fifeshire, W.) asked the Postmaster General, Whether his attention has been called to the delay in the delivery of letters at Leslie, Markinch, and neighbourhood, which has resulted from the new arrangements of trains through Fife in connection with the opening of the Tay Bridge; whether he is aware that serious inconvenience is being suffered by the manufacturers and other business men in this district; and, whether he will make inquiry into this matter, and take steps to remedy the inconvenience complained of as soon as possible?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): In reply to the Question of the hon. Member, I beg to state that I am aware of the inconvenience occasioned at Leslie, Markinch, and neighbouring places by the later time (about 20 minutes) at which letters are now delivered, consequent upon a change in the working through Fife, since the opening of the Tay Bridge, of train service over which I have no control. The change has been made by the Railway Company for their own purposes, and I have ascertained that they are unwilling to revert to the old hours. To remedy the inconvenience complained of by running a special mail train to serve the several towns affected would, I very much regret to add, involve an expenditure far greater than the circumstances of the case justify. I shall, however, not neglect to press the matter again upon the Directors.

IRELAND — EMPLOYMENT OF THE POLICE AS BAILIFFS.

MR. FLYNN (Cork, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has seen the report in the Cork papers of the seizure of cattle at Mitchelstown, County Cork, on the night of Monday the 1st instant, on which occasion the police acted as bailiffs, and searched for and seized some cows on the farms of Mrs. Finn (widow), Mr. Thomas Barrett, and others; whether, in so constituting themselves as bailiffs, they acted within their duty as constables; and, whether he will issue explicit instructions to the Constabulary Authorities as to the limits of their duty in such matters?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Constabulary Authorities informed him that the allegations that the police had acted as bailiffs were without foundation. A party of police accompanied some Sheriff's bailiffs on the occasion referred to, in order to afford them protection while making seizures on an estate where the Plan of Campaign was in operation; but the police took no part whatever in seizing the cattle.

MR. FLYNN asked, whether there was any Rule in the Police Regulations which required that the police should go on such duties at unreasonable hours of the night?

COLONEL KING-HARMAN said, he should ask the hon. Member to put the Question on the Paper.

EGYPT (FINANCE, &c.) — GENERAL GORDON'S PAPER MONEY.

MR. MUNRO-FERGUSON (Leith, &c.) asked the Under Secretary of State for Foreign Affairs, Whether General Gordon's paper money has been honoured by the Egyptian Government; whether the advances made to General Gordon at Khartoum, by merchants and others, have been repaid to those who have proved their right to receive them; whether the widows and orphans of Egyptian officers, soldiers, and civil *employés* killed in the Soudan have received the pensions to which they are entitled under the Regulations in force at the time of their death; and, whether the Civil and Military *employés*, who succeeded in escaping from the Soudan, have been paid the back pay and pensions or gratuities to which they were entilted under the Egyptian Regulations?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): I am informed that all such claims have been paid. They require, and receive, careful investigation, as many are fraudulently made.

BOARD OF TRADE — BANKRUPTCY DEPARTMENT—RETIRING ALLOWANCES.

MR. LABOUCHERE (Northampton) asked the Secretary to the Treasury, Whether his attention has been called to the fact that, since 1884, clerks, messengers, &c., ranging from the age of 39 to 67, in the Bankruptcy Department of the Board of Trade, have been granted yearly allowances, amounting in the aggregate to £3,135 17*s.* 3*d.*, on abolition of their offices; and, whether it would be possible to relieve the Treasury of a portion of this charge by appointing some of these gentlemen to other Departments as offices fall vacant?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): I believe that the hon. Member has stated with tolerable accuracy the charge for pensions granted since 1884 to officers of the Bankruptcy Department. I doubt whether it is possible with advantage to relieve the Treasury of any portion of the charge for these gentlemen; but I quite sympathize with what I take to be the hon. Member's view—namely, that before sanctioning retirement on full pension from any Department, except for age or ill-health, careful consideration should be given to ascertain whether work could not be found in other Departments in all cases where the power of transfer exists.

CROFTERS' COMMISSION, 1883-4—CROFTER WITNESSES FROM UIST.

DR. R. M'DONALD (Ross and Cromarty) asked the Lord Advocate, If it is true that the Crofters' Commission is to proceed to Uist, after finishing at Tiree; if so, is he aware that the very large majority of the crofters of Uist are away at the fishing elsewhere, and cannot possibly appear to give evidence before the Commission?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): The Crofters' Commission has now gone to Uist. The Commissioners were instructed, before deciding on this or any other arrangement, to satisfy themselves by inquiry that those interested in the proceedings were qualified to give the necessary information, and would be able to be present at the place the Commissioners went to. Presumably this direction has been attended to.

CROFTERS' COMMISSION, 1883-4—THE GAELIC LANGUAGE—APPOINTMENT OF SHERIFF SUBSTITUTE IN THE ISLAND OF LEWIS.

DR. R. M'DONALD (Ross and Cromarty) asked the Lord Advocate, Whether, in conformity with the advice of the Crofters' Commission, 1883-4, that Crown officials in the Highlands should be conversant with the language of the people there, it is his intention to appoint a gentleman with a knowledge of Gaelic to the office of Sheriff Substitute in the Island of Lewis?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): I certainly intend to keep in view the recommendations of the Crofters' Commission in considering what gentlemen shall be nominated to the Secretary of State for Her Majesty's approval; but it would be obviously improper that I should say any more than this at present.

FISHERIES (SCOTLAND)—THE ISLAND OF LEWIS.

DR. R. M'DONALD (Ross and Cromarty) asked the Lord Advocate, Whether the salmon fishings on the sea coast of the Atlantic around the Island of Lewis now belong in property to the Crown or to the proprietrix of the Island, Lady Matheson; and, if to the latter, the date of their sale by the Crown and their purchase price; whether, assuming that Lady Matheson has a legal right to the said salmon fishings, she is entitled, through her servants acting under her instructions, to seize the trawl and saith nets of fishermen fishing in the Atlantic for other than salmon; and, whether, in the case of said salmon fishing not being the legal property of Lady Matheson, the Crown would now dispose of them to the Lewis fishermen on equitable conditions, and under proper and necessary restrictions as to close time, &c.?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): Salmon fishings in Scotland belong *primâ facie* to the Crown; but may be acquired by a subject either by a direct grant or by means of a title which, coupled with possession and enjoyment, has been held to establish a right by prescription. The Island of Lewis is held under a title which conveys fishings in fresh water and salt water; and the proprietrix claims the salmon fishings as having been possessed and enjoyed by her and her predecessors for much longer than the prescriptive period. The Commissioner of Woods has to exercise his discretion as to proceeding in such cases; and on the information before him he has not deemed it expedient to attempt to recover possession of the salmon fishings around the Island of Lewis, being satisfied that Lady Matheson could establish her right to them. If by the Atlantic is meant the waters beyond the three mile limit from the shore, Lady Matheson could have no right to interfere with anyone fishing in these waters. As regards the waters within the three mile limit, Lady Matheson can have no right to interfere with persons fishing for white fish, and not for fish of the salmon kind.

THE RIOTS AT BOLTON—RETENTION OF THE MILITARY FORCE.

MR. BRADLAUGH (Northampton) asked the Secretary of State for the Home Department, Whether he can now state the decision of the Government as to the continued retention of the special military force in Bolton?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.), in reply, said, he had that afternoon received a telegram from the Mayor of Bolton stating there had been a special meeting of the justices; and it was resolved that, having regard to the greater tranquillity of the town in the last few days, the presence of the military might be dispensed with.

WAR OFFICE—INSANITARY CONDITION OF THE BARRACK AT NEWTOWNARDS.

MR. M'CARTAN (Down, S.) asked the Secretary of State for War, Whether he is aware that the barrack of the 3rd Battalion of the Royal Irish Rifle Brigade at Newtownards has been condemned by medical gentlemen and by officers as unhealthy, and totally unsuited to the requirements of the men; and, whether, having regard to the health, comfort, and convenience of the men, he will take steps to have the necessary alterations made or a suitable house built?

THE SURVEYOR GENERAL OF ORDNANCE (Mr. NORTHCOTE) (Exeter) (who replied) said: The barracks at Newtownards have not been condemned as unhealthy, though they have been complained of as inconvenient for officers in the matter of accommodation. The permanent staff do not live in the barracks. If any questions of large structural alterations or new buildings are raised by the Local Authorities they will be considered when next year's Estimates are framed.

INLAND NAVIGATION AND DRAINAGE (IRELAND)—ALLOCATION OF THE GOVERNMENT SUBVENTION OF £50,000—THE RIVER BANN.

COLONEL SAUNDERSON (Armagh, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is a fact that the River Bann at Portadown Bridge has been allowed to fill up to such an extent that there is now only one arch of the bridge available for either drainage or navigation, and that, in consequence, the land on the south side of the bridge suffers from flooding in wet seasons; and, if so, what steps the Government will take to have this evil remedied; whether part of the £50,000 set apart for the drainage of the River Bann should be expended on the Upper Bann, in the neighbourhood of Portadown; and, whether, should the water in the Lower Bann, as is proposed, be lowered five or six feet, the Government will cause the bed of the Upper Bann to be lowered a corresponding depth, so that the water traffic may not be interfered with?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: Neither the Government nor the Royal Commission have any special information as to the state of the bridge at Portadown; but I understand that if it has been allowed to fill up as stated, any sufferer from floods due to this cause should complain to the Local Drainage Board, the matter not being one for which a grant of public money would be justifiable, nor one over which the Government have any control. The proposals for dealing with the Lower Bann will not injure the water traffic at Portadown, as it is not proposed to reduce the summer level of Lough Neagh; but they will, by preventing the lake from rising in time of flood, as it now does, relieve the low-lying lands in the neighbourhood of that town.

CEYLON—SIR ARTHUR GORDON.

MR. COBB (Warwick, S.E., Rugby) asked the Secretary of State for the Colonies, Whether, as the appeal in the case of "Bryce *v.* Rusden" has been disposed of, and the cause which last year prevented any action being taken with respect to the conduct of Sir Arthur Gordon has now been removed, he will now state what representations on the subject have been made to Sir Arthur Gordon, and what is the effect of any reply which has been received from him; and, whether any complaints have reached him that the unexplained conduct of Sir Arthur Gordon has seriously affected his authority as Governor of Ceylon?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): I have nothing to add to the answer given by my Predecessor in August of last year; and I concur in the opinion that the matter, which has no connection with Sir Arthur Gordon's present employment, should not be re-opened. I have heard nothing which would lead me to suppose that the people of Ceylon have taken any interest in this personal question; or that the authority of Sir Arthur Gordon in Ceylon has been affected by the transaction, which related to affairs in another Colony.

MR. COBB: Seeing that it has been distinctly proved in a Court of Law that Sir Arthur Gordon has been guilty of illegal and even dishonourable conduct, and that this is well known to every Member of the late and the present Government, I wish to ask whether any steps will be taken to remove Sir Arthur Gordon from his present position?

SIR HENRY HOLLAND: My answer to that is that I am not aware that it has been so decided by a Court of Law.

THE CONSTABULARY FORCE FUND (IRELAND).

MR. MACARTNEY (Antrim, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, from what sources the Constabulary Force Fund has been maintained since its creation in 1836; whether members of the Royal Irish Constabulary, who have joined since 1866, contribute in any way to this Fund; and, if so, how; whether they or their relatives participate in its benefits: and, whether there are any published accounts showing the amount of money paid into it annually; the amount paid away annually; the names of those to whom the payments have been, or are being, made, and for what services; and, if not, whether the Government has any objection to cause such accounts to be published annually?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The sources of income of the Constabulary Force Fund are as follows:—(1) Deductions from pay of the effective force; (2) deductions from the pensions of pensioners voluntarily subscribing; (3) fines on members of the Force; (4) portions of fines awarded by magistrates, or payable to the Fund under Act of Parliament; (5) interest on the accumulated fund which is invested in Government Stock. Prior to 1866 the rate of contribution to the Fund was ½ per cent on pay. Up to that date the benefits of the Fund to widows and children were restricted to the families of those who died while serving. There was accordingly no deduction from pension. The Act of 1866 fixed the deduction from pay at 1½ per cent, and from pension, in the case of subscribers, at 1 per cent. Members who joined the Force since 1866, but prior to the 18th of June, 1883, contribute by deductions at the latter rates. Their widows and children are, on fulfilling the conditions regulating the Fund, entitled to gratuities, based upon the rates of pay drawn by the contributors while serving. Those who joined after the 18th of June, 1883, are exempted from deduction by Section 11 of the Act 46 & 47 *Vict.* c. 14, which section excludes them or their families from benefit. This Act, it may be mentioned, provides pensions or gratuities for widows of men who die while serving, and an allowance for each of their children under 15 years of age. All proposed payments from this Fund are submitted to the Lord Lieutenant, whose sanction is necessary before they can be made; and each item of receipt and expenditure comes before the Comptroller and Auditor General, whose duty it would be to disallow any payment made for a purpose not authorized by the Act of Parliament, and the Regulations made thereunder. There are at present no published accounts. An account has been prepared for actuarial purposes for the seven years ended March 31, 1887, showing *in globo* the total receipts and expenditure under the several heads during each of those years; and and if hon. Members so desire this can be laid on the Table. It would not be practicable to give a detailed Return of each payment, as the vouchers have been sent from time to time to the Audit Department. As regards giving a detailed account in future years I understand the sole objection is the question of expense, which will presumably fall upon the Fund. I shall, however, confer with the Inspector General on the subject.

MR. SEXTON (Belfast, W.) asked, whether the officers of the Constabulary Force received payments out of this Fund, although they never had contributed towards it; whether an officers' fund had not been wound up at the request of the officers; and, whether the Government would now act upon the opinion and desire of the constables and pensioners and wind up the present Fund?

COLONEL KING-HARMAN said, he thought the hon. Member was wrong in supposing that the officers did not contribute. They contributed and received gratuities in proportion to their pay and subscription. He believed there had been an officers' fund for sick pay.

MR. ARTHUR O'CONNOR (Donegal, E.) asked, whether the accounts which the right hon. and gallant Gentleman proposed to lay before the House would show the amount given to officers separate from that given to the men?

COLONEL KING-HARMAN said, he could not say whether the Return would give the items separately. He could not say how far the vouchers were available.

MR. SEXTON asked, whether the right hon. and gallant Gentleman would undertake to have the accounts produced before the Estimates were discussed?

COLONEL KING-HARMAN: I am afraid not; but I will do my best.

MR. SEXTON said, in that case he must refer to the subject on the Estimates.

ARMY MEDICAL DEPARTMENT—RETURNS.

GENERAL SIR GEORGE BALFOUR (Kincardine) asked the Financial Secretary to the War Office, If he will supply the omission in the Estimates and Monthly Returns of the Army of the numbers and ranks of the medical officers serving in India, but belonging to the British Establishment; and, with a view of providing for comparison of numbers, if Returns of all medical officers in India, as well as in Colonies and at Home, can be laid before Parliament for each year of the period since medical officers ceased to be borne on the strength of regiments; and, the cost of all these medical officers, including those in India, to be shown, assuming for officers in India the rates of English pay?

THE FINANCIAL SECRETARY (Mr. BRODRICK) (Surrey, Guildford): If the hon. and gallant Member will refer to the Estimates for the present year, he will see that the numbers and ranks of the medical officers on the Indian Establishment who belong to the British Medical Staff are shown. A Return can be given, if moved for, of the number of medical officers serving in India, in the Colonies, and at Home for any particular year. The Army Estimates do not purport to show the effective charge for any person serving in India; and it would be contrary to the whole principle on which the Estimates are prepared to include a charge for the medical officers in India.

SUGAR BOUNTIES — AN INTERNATIONAL CONFERENCE.

MR. KIMBER (Wandsworth) asked the Under Secretary of State for Foreign Affairs, Whether he has any further answers from Foreign Powers on the subject of a Conference on the Sugar Bounties; and whether he has hope of being able to arrange for the meeting of such Conference during the ensuing Autumn?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): No further replies to the invitation of Her Majesty's Government have been received than those which I specified in my reply to the Question of the hon. Member on the 2nd instant. It depends upon the dates at which the replies of the Governments concerned are received when the meeting of the Conference can be proposed.

MR. KIMBER: Has any communication been received from France, as stated in *The Daily Telegraph?*

SIR JAMES FERGUSSON: No, Sir; I think I may say no communication has been received from France; but I think one may be expected shortly.

METROPOLITAN BOARD OF WORKS—UNSAFE CONDITION OF THE CHURCH OF ST. MARY-LE-STRAND.

MR. KIMBER (Wandsworth) asked the hon. Member for the Knutsford Division of Cheshire, Whether the Metropolitan Board of Works have declared the Parish Church of St. Mary-le-Strand to be a dangerous structure, a portion of its cornice having fallen into the street; whether other portions of the church were reported by the architect, Mr. Vicars, to be unsafe, and a source of danger to the public; whether the public had been warned by the police not to go near the church; whether the attention of the Board had been directed to the enormously increased vehicular traffic in the Strand, which suddenly narrows at that point; and, whether the Board have it in contemplation to widen the Strand by the removal of the south side of Holywell Street, or to adopt the suggestion, which appears to have been made in the Vestry, respecting the removal of the church?

MR. TATTON EGERTON (Cheshire, Knutsford), in reply, said, that a portion of the cornice on the north side of the church having fallen, the Metropolitan Board of Works, following the usual course adopted in such cases, declared the church to be a dangerous structure. Previous to the hoarding being erected, persons were warned by the police not to go near the church. The repair of the damaged portion of the structure was being proceeded with. The Board could only deal with such portion of the structure as was certified by its own surveyor to be unsafe; and it had no knowledge of any report said to have been submitted by the architect of the parish. The attention of the Board had been directed to the large amount of traffic in the Strand; and there was now before it a suggestion that the Strand should be widened, either by the removal of the south side of Holywell Street, or the removal of the church. The Board, however, was not in a position at the present time to act on either of those suggestions.

WALES—THE TITHE AGITATION—THE RIOTS AT LLANGWM.

MR. LEWIS (Anglesey) asked the Secretary of State for the Home Department, Whether it is decided yet where the 31 persons concerned in the tithe riots at Llangwm, against whom a true bill was found at the last Ruthin Assizes, are to be tried; and, whether, should they be brought to London, or some other distant town, their and their witnesses' expenses will be paid by the Treasury?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The place of trial of the persons concerned in the tithe riots has not yet been decided upon; the trial will take place at Ruthin, unless the Court shall otherwise order. There is no intention whatever of moving the trial to London, or any other distant town. The question of the particular individuals to be put upon their trial requires careful consideration, and the examination of the statements of numerous witnesses.

EGYPT—THE RED SEA PORTS—TRADE WITH THE SOUDAN.

MR. BRYCE (Aberdeen, S.) asked the Under Secretary of State for Foreign Affairs, Whether information has reached Her Majesty's Government, from trustworthy sources, tending to show that the opening of one or more ports on the Red Sea north and south of Suakin would tend to the development of trade with the interior, and promote the pacification of the Soudan tribes; and, whether the Government will take the matter into consideration, with a view to the attainment of the above objects?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): The coast to the north of Suakin has been open to trade for several months. The question of opening to trade the coast to the south is under consideration, with the view indicated by my hon. Friend; but it is attended with some difficulty.

In reply to a further Question by Mr. BRYCE,

SIR JAMES FERGUSSON said, that Sir Evelyn Baring, as soon as he returned to Egypt, would pay particular attention to this matter. He did not think he should be able, at any very early period, to make any further statement.

CIVIL SERVICE — LOWER DIVISION CLERKSHIPS—PROMOTION OF WRITERS.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the Secretary to the Treasury, Whether he will now fulfil his promise to state to the House the decision of the Treasury with regard to the promotion of meritorious Writers to Lower Division Clerkships, in accordance with the Minute of December last?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): I shall fulfil my promise as soon as I am in possession of the information to enable me to do so. At present the examination is not quite complete.

LAW AND JUSTICE (IRELAND)—THE MILITARY WITNESSES AT ATHLONE.

MR. HAYDEN (Leitrim, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that five soldiers were convicted at the Roscommon Summer Assizes for complicity in the recent military riots in Athlone; whether these riots were of a very serious character, the Government having found it necessary to give considerable sums as compensation for the damage done during their continuance; whether two police constables swore positively to the identity of the prisoners; whether the only defence made was an attempt to prove an *alibi;* whether the jury disbelieved the *alibi,* and convicted the prisoners; whether the prisoners were then sentenced to six months' imprisonment; whether they were discharged after having put up only a few weeks of their sentence; and, whether any further evidence has been laid before the authorities, to make them disbelieve the evidence of the police, disagree with the verdict of the jury, and order the discharge of the prisoners?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: Five soldiers were convicted at the last Roscommon Assizes for a grievous assault upon one John Coffey. As regards the evidence, one constable gave evidence against each of three of the prisoners, and two constables against the other two prisoners. The Chief Baron, who tried the case, considered that this evidence, although perfectly honest, was weak. Twenty-five military witnesses, including an officer of the regiment to which the prisoners belonged, were examined for the defence. The jury convicted the prisoners. The Chief Baron was dissatisfied with this verdict, and so expressed himself in passing sentence. He sentenced the prisoners to six months' imprisonment with hard labour, being the sentence he would have passed had he approved the verdict of the jury. He, however, directed the prisoners to be treated as untried prisoners for 14 days, pending the result of their Memorial to the Lord Lieutenant. A Memorial was duly submitted to His Excellency, who, upon a full consideration of all the circumstances of the case elicited at the trial, and the Judge's dissent from the verdict, ordered the immediate discharge of the prisoners. The jury appear to have found the prisoners guilty because they were soldiers. In a cross case tried the next day against a civilian for inflicting a dangerous wound upon a soldier, although the evidence of identification was very strong, the jury acquitted the prisoner.

MR. SEXTON (Belfast, W.): Will the right hon. and gallant Gentleman tell us how the Irish Government ascertained that six months would have been the punishment inflicted by the Chief Baron had he been satisfied with the verdict?

COLONEL KING-HARMAN: I saw it in the Memorial signed by the Chief Baron.

VACCINATION ACTS—MR. A. MAIN—ENFORCEMENT OF PENALTIES.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the President of the Local Government Board, Whether his attention has been called to the following case:—Mr. A. Main, of 345, Cambridge Road, Bethnal Green, was prosecuted in August last, by Mr. Ward, a vaccinating officer, for non-compliance with the Vaccination Acts, and a penalty was imposed; and in July, 1887, application was made for a distress warrant in respect of the said penalty by Inspector Ford, of the J Division of Metropolitan Police, to whom a warrant was issued; whether an application for a distress warrant is part of the "proceedings" within the meaning of the Vaccination Regulations Order of 31st October, 1874; whether such application is required to be made by the vaccination officer; and, if so, whether the action of Inspector Ford was legal; and to whom penalties imposed in London under the Vaccination Acts are payable?

THE PRESIDENT (Mr. RITCHIE) (Tower Hamlets, St. George's): My attention had not been called to the case referred to prior to the Notice of this Question having been given. The application for a distress warrant is considered by the Board to be part of the proceedings within the meaning of the Vaccination Regulation Order of October 31, 1874. That Order contemplates that the application for a distress warrant shall be made by the vaccination officer. The action of Inspector Ford was not, however, illegal. The penalties under the Vaccination Acts imposed in a Metropolitan Police Court are payable to the Receiver of Police under sec. 47 of the Act 2 & 3 *Vict.*, c. 71, the Statute under which the Metropolitan Police Courts were established. The sums so received by the Receiver are paid by him into the Exchequer. The Law Officers three or four years ago, when consulted on the subject, advised that whereas in these cases the penalties imposed were to go to the Crown, or to such an officer as the Receiver of Police, the Crown was entitled, in the public interest, to apply for the enforcement of the penalty.

CRIMINAL LAW (IRELAND)— WILLIAM FAHEY.

MR. CLANCY (Dublin Co., N.) (for Sir THOMAS ESMONDE) (Dublin Co., S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If William Fahey, who pleaded guilty to a burglary committed in Rathmines on the 7th of June last, was allowed out upon his own bail by the Recorder of Dublin, on his promising to go to Australia; and, if so, whether he has kept his promise; and, whether he is the same William Fahey who was arrested in the Conservative Working Men's Club, York Street, Dublin, on the occasion of the firing last year upon the people outside, by armed Orangemen inside the building?

MR. JOHNSTON (Belfast, S.) asked, whether, on the occasion referred to, there was not a dastardly attack by a Home Rule mob on the Working Men's Conservative Association; and, whether there was any evidence to prove that any of the parties inside the house were Orangemen?

COLONEL KING-HARMAN said, he understood there was an attack on this particular Club. Fahey appeared to have pleaded guilty to burglary; and it was arranged, with the approval of the Recorder of Dublin, that he should be emigrated. He sailed for America, the Recorder having taken a merciful view of his case in consideration of the fact that there was no previous conviction. Fahey was the same person who was in the house in York Street, and he was conveyed with others to the police station, but no charge was preferred against him.

MR. DILLON (Mayo, E.) asked, whether the man was released because he was an Orangeman; and, whether the same indulgence would be shown towards Nationalists coming from America?

COLONEL KING-HARMAN said, that the only reason why Fahey was dealt with so leniently was on account of his youth. He was under 18 years of age.

MR. DILLON: There are a great many Nationalists under the age of 18.

MR. SEXTON (Belfast, W.): What happened with the money?

COLONEL KING-HARMAN said the question had better be put upon the Paper.

MR. JOHNSTON: Is the right hon. and gallant Gentleman aware that no person can be initiated into an Orange Society under the age of 18?

[No reply.]

WOODS AND FORESTS DEPARTMENT— PENSIONS.

MR. CLANCY (Dublin Co., N.) (for Sir THOMAS ESMONDE (Dublin Co., S.) asked the Secretary to the Treasury, If the Government have a Bill in print dealing with the pensions of old *employés* of the Woods and Forests Department; and, if so, whether there is any intention of proceeding with it this Session?

THE SECRETARY (Mr. JACKSON) Leeds, N.): There is no such Bill as that referred to by the hon. Member in print or in preparation.

IRELAND—THE NATIONAL REGISTRATION ASSOCIATION, BLACKROCK, CO. DUBLIN.

MR. CLANCY (Dublin Co., N.) (for Sir THOMAS ESMONDE) (Dublin Co., S.)

asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the meetings of the National Registration Association, at Blackrock, County Dublin, are watched by the police by order of the Local Authorities or of Dublin Castle?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: The Commissioner of Police states that the police have never received any orders with regard to these meetings.

WALES — THE TITHE AGITATION— SALES AT MOYLGROVE.

Mr. STANLEY LEIGHTON (Shropshire, Oswestry) asked the Secretary of State for the Home Department, Whether he can give the House any information with regard to the renewal of rioting in Wales in connection with the levying of distraints for Tithe Rent-Charge, and especially as to the numbers of the police force who accompanied the auctioneer at the sales at Moylgrove, in Cardiganshire, and the numbers and attitude of the crowd, and the ill-treatment of the bailiffs?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): I have obtained a Report from the Chief Constable of Pembrokeshire, in which County Moylgrove is situated. The number of police on duty at this place was 20. The crowd, which numbered about 500, was boisterous and noisy. Excitement ran high, the auctioneer and bailiff were hustled and pelted with eggs, but no other violence was resorted to. I have no further information to communicate to the House with respect to any renewal of rioting.

POST OFFICE SAVINGS BANKS— TRUSTEE SAVINGS BANKS.

Mr. MOWBRAY (Lancashire, Prestwich) asked Mr. Chancellor of the Exchequer, Whether, if the Government persevere in raising the limit of deposits in Post Office Savings Banks from £30 to £50 in one year, they will be prepared to extend the same privileges to Trustee Savings Banks?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): The First Lord of the Treasury, the Postmaster General, and myself are going to receive a deputation to-morrow of representatives of Trustee Savings Banks, when various points will be laid before us and considered.

Mr. MUNDELLA (Sheffield, Brightside): When will the Bill be taken?

Mr. GOSCHEN: On Friday.

SCOTLAND — SASINES OFFICE, EDINBURGH—THE CLERKS.

Mr. MACDONALD CAMERON (Wick, &c.) asked the Lord Advocate, Whether it is true that eight clerks of the first class in the Sasines Office, referred to on page 4 of the Treasury Minute of 27th March, 1881, perform the duties assigned to them by said Minute; and, whether six such clerks act as second in command to the assistant keepers of each of the districts of said Register, as required of them in said Minute; and, if not, why the terms of said Minute have not been complied with in this respect?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities): I can only refer the hon. Member to the answer which the Secretary to the Treasury gave to a somewhat similar question on the 28th of last month—namely, that it is within the province of the Head of the Department of the Sasines Office to distribute the work of the Office among his staff as he may think best in the public interest.

POST OFFICE (SCOTLAND) — THE NORTHERN MAIL SERVICE.

Mr. MACDONALD CAMERON (Wick, &c.) asked the Postmaster General, Whether his attention has been called to a paragraph in *The John O' Groat Journal*, of the 3rd instant, drawing attention to the seriously defective nature of the Northern Mail service between Inverness and Wick, and that on the 27th ultimo the mail train was 35 minutes late, on the 28th ultimo 15 minutes late, on the 29th ultimo eight hours late, on the 30th ultimo 10 minutes late, on the 1st instant 25 minutes late, and on the 2nd instant upwards of an hour late, and that on the 29th ultimo, although the connection was made by special train, yet the usual evening delivery of letters did not take place till the next morning; and, whether he will arrange for the more regular and rapid despatch of mails from Inverness to Wick?

from the Midland Railway Company to his inquiries with respect to the strike of engine drivers and firemen; and, whether, in view of the great public inconvenience and danger attending it, he can do anything to promote a settlement of the dispute by arbitration?

Mr. BRADLAUGH (Northampton) asked, whether the hon. Gentleman had been informed that, in consequence of the employment of incompetent engine drivers and firemen, five engines had been already burned—that was, the fire-boxes and tubes had been ruined by the incompetency of the men.

Mr. WEBSTER (St. Pancras, E.): I should like to ask, whether the hon. Member is not aware that all our firemen are sailors of 30 years of age, and are men thoroughly competent to do their work?

The SECRETARY (Baron Henry De Worms) (Liverpool, East Toxteth): The Question of the hon. Member for Northampton does not refer to the fireman employed in extinguishing fires. I have not received the information alluded to by the hon. Member for Northampton; but I will make inquiry. With reference to the first part of the Question of the hon. Member for West St. Pancras (Mr. Lawson), I think it is covered by the answer which I gave on Saturday to the hon. Member for the Hallamshire Division of Yorkshire (Sir Frederick Mappin). With reference to the concluding portion of the Question as to arbitration, although the Board of Trade would be glad if their good offices could in any way tend to an amicable and equitable solution of the difficulties which have arisen, they have no power to initiate any action or offer any advice in the matter.

Sir FREDERICK MAPPIN (York, W.R., Hallamshire) asked, if the hon. Member would inquire how many fire-boxes and tubes had been burnt on the Midland Railway in comparison with other railways throughout the country?

Baron HENRY DE WORMS said, if any information was sent to him he should give it.

Sir FREDERICK MAPPIN said, he understood the hon. Member to say he should make inquiries.

Baron HENRY DE WORMS said, if he received any information he would see what he could do.

Mr. CHANNING (Northampton, E.) asked whether the attention of the hon. Gentleman had been called to a specific statement made in *The Standard* of that morning that—

> "Of the men taking the place of the strikers some were cripples, some had lost their sight qualification years ago, one man had been allowed to go on duty whilst drunk, and another, who cost the Company £16,000 some years ago by a collision, had been reinstated."

Could the hon. Gentleman give any information as to the truth of this statement, or would he make inquiries?

Baron HENRY DE WORMS said, he could give no information, nor could he promise to make any inquiry. This was a dispute between the Midland Railway Company and their own *employés.*

Mr. ARTHUR O'CONNOR (Donegal, E.) asked, whether the hon. Member realized the dangers of the situation—that the lives of thousands of the public were involved.

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I must point out to the hon. Member that in this matter the Government have no power. It would be going quite beyond our powers to interfere with the Railway Company, and we must leave the responsibility where it properly belongs.

POST OFFICE (ENGLAND AND WALES)—CONTRACTS FOR CONVEYANCE OF MAILS — THE MIDLAND RAILWAY COMPANY.

Mr. P. O'BRIEN (Monaghan, N.) asked the Postmaster General, Whether the Government have any contracts with the Midland Railway Company (England) for the carriage of mails; and what is the amount of such contracts; and, whether the Government have any powers under these contracts to inquire, with a view to the safety and despatch of the mails, into the efficiency of the trains by which these mails are conveyed, and the competency of the men by whom they are conducted; and, if so, whether he will take steps to satisfy himself that the Midland mail trains are not placed in charge of engine drivers unacquainted with the Midland line?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): In reply to the Question of the hon. Member, I have to state that the Midland

Railway Company does contract with the Post Office for the conveyance of mails, and the annual payments made under the contracts with that Company amount to £54,075. Up to the present moment I have seen no sufficient cause to complain of irregularity in the mail train service. Moreover, having regard to the great length of time during which the Midland Railway Company have performed, to the entire satisfaction of the Department, the mail services contracted for, the magnitude of the Company, and the excellence of its management, it will be obvious to the House that any interference in the direction pointed to in the question of the hon. Member would be quite uncalled for, and, especially in the difficult circumstances in which the Company have recently been placed, inconsiderate and ungenerous.

MR. SEXTON (Belfast, W.): Will the right hon. Gentleman say what power he possesses by law?

MR. RAIKES: There is no power on the part of any Department of the Government to interfere with the internal management of any Railway Company. The Postmaster General has the right to complain if the mail service is inefficient or irregular.

POST OFFICE—THE CENTRAL TELEGRAPH OFFICE.

MR. LAWSON (St. Pancras, W.) asked the Postmaster General, If he has received a Petition from the male staff (established) of the Central Telegraph Office, drawing his attention to the grave disadvantages under which they labour as compared with clerks in other branches of the Post Office, and to the increasingly harassing nature of their duties; and, whether he has considered the scheme of reform proposed by them for the removal of their grievances; and, if so, what answer he is prepared to give?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): I have received several Petitions from various classes of the staff of the Central Telegraph Office praying for alterations in the scales of pay, hours of duty, &c., and having given to them full consideration, I have found myself unable to grant the requests. I understand that a further Petition will be placed before me in the course of a few days, and I shall, of course, take the requests fully into consideration.

EGYPT (FINANCE, &c.)—THE PAPERS.

MR. DILLON (Mayo, E.) asked the Under Secretary of State for Foreign Affairs, When the Government will lay upon the Table further Papers on the Finances of Egypt, in continuation of Egypt, No. 3 (1887); and, whether the Government will undertake, so long as Egyptian finance is administered under English control, to publish an annual Statement on Egyptian finance of the same character as the Indian Budget?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): A further collection of Papers on the finances of Egypt is in course of preparation, and will shortly be presented. Her Majesty's Government will, from time to time, inform Parliament of the condition of the Egyptian finances as known to them; but they cannot undertake to publish an annual forecast.

MR. DILLON asked, whether the Government would undertake for the future to afford the House every year an opportunity of discussing the administration of the finances in Egypt, no such opportunity having been afforded to the House for the last two or three years?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): Perhaps the hon. Gentleman will give Notice of that Question.

WAR OFFICE—QUARTERMASTERS AND RIDING MASTERS.

SIR SAMUEL WILSON (Portsmouth) asked the Secretary of State for War, If he can hold out hope of any further promotion for those Quartermasters and Riding Masters now holding the rank of Captain, who have served for many years as commissioned officers, in addition to long previous service in the ranks, and many of whom have a number of years yet to serve?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): A certain number of appointments carry the rank of Major; and if any of the Quartermasters and Ridingmasters referred to should be selected for those appointments they would have that rank. But, otherwise, Quartermasters and Riding Masters, with the rank of Captains, have, under present Regulations, no further promotion to look forward to.

ADMIRALTY—THE NAVAL INTELLIGENCE DEPARTMENT.

CAPTAIN COLOMB (Tower Hamlets, Bow, &c.) asked the First Lord of the Admiralty, Whether the business of the Naval Intelligence Department includes the collection and tabulation of information for the use of the Admiralty, respecting the distribution of British Commerce in British Waters at Home and Abroad, and also on the various oceans and seas of the world; whether, by the aid of this Department, or by any other means, the Board of Admiralty receives and records the most recent information available respecting the approximate total average value of British commerce passing, during the different periods of the year, over the sea routes of the world, and over areas of its greatest accumulation in British waters and on the high seas; and, whether such information is furnished by the Admiralty periodically to the officers of the Royal Navy serving in the Fleet; and, if so, how often, and about what dates?

THE SECRETARY (Mr. FORWOOD) (Lancashire, Ormskirk) (who replied) said: It is an important part of the functions of the Naval Intelligence Department to obtain, and to note in a convenient form, all information as to the distribution of British commerce over the principal trade routes. This information, when collected and collated, will be communicated to the officers of the Fleet at such times, and in such a form, as may, in the opinion of the Admiralty, seem most desirable to meet the requirements of the moment.

CAPTAIN COLOMB asked, whether the hon. Gentleman could give any information as to the value of British commerce passing through the Suez Canal; and, whether he was aware that the figures laid before the Colonial Conference were nine years old?

MR. FORWOOD said, he had no information as to what took place before the Colonial Conference.

THE SECRETARY OF STATE FOR THE COLONIES (Sir HENRY HOLLAND) (Hampstead) said, the figures referred to were prepared by the Royal Commission on Colonial Defence; but it was thought well to keep back certain figures.

CAPTAIN COLOMB asked, whether all the figures would be supplied to Parliament?

[No reply.]

CONTAGIOUS DISEASES (ANIMALS) ACTS—COUNTIES PROCLAIMED IN IRELAND.

MR. MAHONY (Meath, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the large areas proclaimed under the Contagious Diseases (Animals) Act in the Counties Louth and Meath; if so, whether he will state why the parishes of Tullyallen, Philipstown, and Ballymakenny, in the County Louth, and the parishes of Dowth and Donore, in County Meath, which are several miles from the infected farms, have been proclaimed, and other parishes, which are much nearer to the infected farms, have not been proclaimed; whether it is usual in England to proclaim areas so far removed from the infected farms; whether the cases of pleuro-pneumonia in Louth and Meath have been directly traceable to animals brought from Dublin; and, whether the Government intend to take any decided steps to deal with the disease in the Dublin dairies?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The following telegram appears to afford a full reply to the hon. Member's Question:—

"The areas referred to were necessarily large in order to make certain that all cattle intended for shipment at the Port of Drogheda should be accompanied by a certificate of health from the place from which they were moved, in addition to examination by the Government Veterinary Inspector at Drogheda. I am not aware of the practice in England in declaring areas; but much larger areas have been declared by the English Privy Council. In some instances whole counties have been declared. There is a strong presumption that the outbreaks of pleuro-pneumonia in Louth and Meath are traceable to animals brought from Dublin, and the Drogheda Local Authority have made Regulations prohibiting the entry of cattle from the Dublin district into their union. As regards the Dublin dairies, there is in operation in the Dublin district a stringent Order prohibiting the exportation of any Dublin dairy cattle, and restricting their sale in the Dublin Cattle Market except for slaughter. The closest observation is being paid to the whole district."

MR. COX (Clare, E.) asked, why it was inland districts were proclaimed, while places near the port of debarkation were not proclaimed?

COLONEL KING-HARMAN said, the reason so large an area was declared infected westward was because in two cases cattle affected with pleuro-pneumonia, which had been slaughtered in England, had come from the Port of Drogheda, and one especially was traced to the house of a farmer in the western district of Drogheda, who had several farms in different parts of the county, and it was necessary to proclaim all the districts surrounding each one of these farms. As to the reason why some parishes were not proclaimed which were nearer, the answer was that the Port of Drogheda was situated in one of those parishes, and it would cause great inconvenience, amounting practically to a closing of the port, to proclaim that parish.

MR. COX said, he should raise the Question on the Estimates, and, in the meantime, he called the attention of the right hon. and gallant Gentleman to the map, which showed the vagaries of the Privy Council.

COLONEL KING-HARMAN: I have seen the map, and know it perfectly.

LAW AND POLICE—ARREST OF FRED HENDERSON AT NORWICH.

MR. M'CARTAN (Down, S.) asked the Secretary of State for the Home Department, with reference to the arrest and treatment of Fred Henderson, of Norwich, on the occasion of the visit to that town of the Marquess of Salisbury on the 27th July last, Whether he is aware that the Mayor of Norwich, from whom he received the Report as to the charges against Henderson and the conduct of the police, was one of the most active supporters of, and also a speaker at the meeting addressed by the Marquess of Salisbury on the night of the arrest of Henderson; whether, according to the evidence given at the trial before the magistrates, Constable Mills did "hear Henderson shout 'Groans for Salisbury!'" and he also swore that "his hand came in contact with Henderson's head;" whether he can now state if Henderson's head was bruised and injured by the constable on the occasion; whether Constable Mills and Constable Fuller, after arresting Henderson, got him between their two horses, dragged him off at a quick trot through London Street to the Guildhall, and kept him in custody all night and next morning, up to the time when he was discharged by the Bench of Magistrates; whether there was any disorder previous to the attack on Henderson; whether the Bench held that there was no riot on the occasion; whether he is aware that there is a large number of most respectable witnesses in Norwich prepared to testify to the misconduct of the police and to the serious nature of the attack made on Henderson by the police; whether any inquiry was made from Henderson, or from any person save the promoters of the meeting addressed by the Marquess of Salisbury; and, whether he will now take into consideration the advisability of having an inquiry made into the conduct of the police on the night in question?

MR. CUNNINGHAME GRAHAM (Lanark, N.W.) also asked, Whether the right hon. Gentleman can now state if the Agricultural Hall Plain, in which Fred Henderson was holding a meeting at Norwich on the 27th July, when he was arrested by the police, has been frequently used for public meeting without hindrance or interference by the police; whether it was in pursuance of orders given by the Chief Constable that Fred Henderson was arrested by Mounted Constable Mills; whether he was dragged off to the barrack between two horses at full trot and kept a prisoner till next day; and, whether an inquiry, open to independent witnesses, will be held into the conduct of the constables?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I have written to the Mayor of Norwich, to obtain the information desired by the hon. Members. There has not been time as yet to receive an answer; but I must repeat what I stated to the hon. Member for South Down on the 4th instant—that the local police are, by Statute, under the control of the Local Authorities. Complaints as to their conduct should be addressed to, and investigated by, the Watch Committee of the borough, and not by me. They, and not I, have the power to suspend and dismiss borough constables; and the hon. Members must, at any rate in the first instance, address their demands to the proper authoritiy.

Mr. CUNNINGHAME GRAHAM said, the first part of his Question, which had been omitted, referred to the fact that orders were given to the police, in the hearing of several persons, to ride the people down.

INCOME TAX—REMOVAL OF OFFICE OF CLAIMS FROM EDINBURGH.

Mr. M'EWAN (Edinburgh, Central) asked Mr. Chancellor of the Exchequer, If there is any truth in the report which appeared in *The Edinburgh Evening News* on the 4th instant,

> "That it is in contemplation to remove the Office of Claims for repayment of Income Tax from Edinburgh to London?"

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): The Scotch claims for repayment of Income Tax are now all settled by the issue of money orders from Somerset House, London; and the only change contemplated is that henceforth the claims themselves should come direct from the various Scotch surveyors, or from the claimants themselves, to Somerset House, in order that the repayments may be thereby accelerated and an economy effected. The present practice of focussing such claims at the Edinburgh Office for the purpose of transmission to London only occasions delay, and answers no useful purpose.

COLONIZATION—GOVERNMENT GUARANTEES.

Mr. KIMBER (Wandsworth) asked the First Lord of the Treasury, Whether, having regard to the admitted importance of colonization, Her Majesty's Government see any objection to communications being made during the Recess by the Colonial Office to the several Colonial Governments, to inquire whether, and how far, they would be disposed to join with the Home Government (subject to the necessary Legislative sanction on both sides) in guaranteeing or securing a moderate interest on the funds which might be raised in England for effecting such colonization, and to ascertain the conditions or arrangements under which the respective Colonies would recommend that such colonization should be effected?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): Various schemes, such as the Question of the hon. Member appears to refer to, received much consideration last year. As Parliamentary Paper No. 4,751 of 1886 will show (pages 27 to 35), Her Majesty's Government were not able to satisfy themselves that this country could safely undertake to guarantee advances made to settlers, nor did the Colonial Governments approve of any of the proposals submitted. Her Majesty's Government are quite alive to the importance of the subject; but as they are not in a position to propose to Parliament any scheme for the guarantee of funds raised for effecting colonization, they do not perceive that any good would be attained by officially inviting the co-operation of the Colonial Governments.

Mr. KIMBER asked, if the question had ever been put to the Colonial Governments on the particular method of co-operation?

Mr. W. H. SMITH replied, that no such question had been put to the Colonial Governments.

METROPOLIS—PREVENTION OF FIRES.

Mr. WEBSTER (St. Pancras, E.) asked the First Lord of the Treasury, Whether, in view of the fact of several large fires having recently occurred in the Metropolis, involving loss of life and property, and that the Metropolitan Board of Works had for the third time promoted a measure for the purpose of further strengthening the Metropolitan Fire Brigade, and rendering that force adequate to emergencies which might arise, he would re-consider his decision, and give facilities for the discussion of this question of paramount importance to a population exceeding 4,000,000?

Mr. M'LAGAN (Linlithgow) asked the right hon. Gentleman, Whether the Metropolitan Board had been assured for more than two years that if they would withdraw the clause requiring persons who were insured to pay extra for the benefit of those who were not insured, not only would all opposition to their Bill be withdrawn, but it would be helped forward?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): I am not aware of the circumstances to which the hon. Gentleman opposite refers. With regard to the Question of my hon. Friend (Mr. Webster), I have to say hat there is a Question on the Paper or to-morrow in the name of the hon. lember for Newington. in almost idenical terms; and I think it would be nore convenient that I should reply to hat Question to-morrow. But I wish o remark that I have searched the)rder Book, and cannot find the Bill to vhich my hon. Friend refers.

Mr. WEBSTER: I beg to inform the ight hon. Gentleman that the Metroolitan Board of Works (Fire Brigade Expenses) Bill was in the Order Book his morning.

Mr. W. H. SMITH: I think it is not n the Order Book at all.

BUSINESS OF THE HOUSE.

In reply to Mr. Mundella (Sheffield, 3rightside),

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Vestminster) said, he had every hope hat the Technical Instruction Bill would e reached to-morrow evening at 11 'clock. He could not indicate the exact late when the Education Vote would be aken: but he trusted it would be in heir power to take it on Friday.

Sir GEORGE CAMPBELL (Kirkaldy) asked, whether the Government ould not suspend the 6 o'clock Rule on Vednesday, so that if the Scotch Busiess put down for that day was not inished by that hour, the discussion ould be proceeded with?

Mr. W. H. SMITH: I should like to sk the hon. Member, in return, wheher, after the exhausting labours of the House, and of the officers of the House, t would be reasonable that the House hould continue to sit after 6 o'clock?

Sir GEORGE CAMPBELL: I beg o give Notice that I shall very much esist taking any Bills of local interest efore those of general interest to Scotand.

ROYAL APPOINTMENTS.

Mr. MUNRO-FERGUSON (Leith, c.) asked, whether, seeing that the Return for which he intended to move ad been blocked by a Member of the Government (Sir Herbert Maxwell), he First Lord of the Treasury would tate the reasons for that proceeding. 'he Notice referred to by the hon. Iember was as follows:—

"Return showing the number of Royal 'rinces, or persons allied by marriage with the Royal Family holding Appointments in the Army, Navy, and other Departments of the Public Service, or receiving any salaries out of public funds; the salaries attached to these several posts; the income otherwise derived in each case from the public funds; and, the number of senior officers or officials passed over where an appointment, if any, of the persons aforesaid has been made."

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): In the judgment of the Government, the Return asked for is of an invidious character, and ought not to be granted by this House.

EMIGRATION (IRELAND)—MR. R. V. STONEY, OF ROSTURK CASTLE.

Mr. DEASY (Mayo, W.) said, he wished to ask the right hon. Gentleman the Chief Secretary to the Lord Lieutenant of Ireland a Question of which he had given him private Notice—Whether the attention of the right hon. Gentleman had been called to a private inquiry by the Local Government Board in Westport with reference to the system of free emigration in the County of Mayo, and the practices alleged against Mr. R. Vesey Stoney, of Rosturk Castle, the Chairman of the Committee for carrying out the free emigration scheme; and, whether the right hon. Gentleman will immediately direct the attention of the Lord Chancellor to the conduct of Mr. Stoney as a magistrate and deputy lieutenant, and have him prosecuted for his malpractices?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.), in reply, said, the inquiry was instituted by his directions to investigate certain alleged irregularities in the Emigration Act; and as the inquiry was not yet finished, he thought it would be unfair to take any action until the Report was before him.

Mr. SEXTON (Belfast, W.) asked, when the right hon. Gentleman would be able to give the House full information on the subject?

Mr. A. J. BALFOUR said, the time did not rest with him, but with the gentleman conducting the inquiry.

CRIME AND OUTRAGE (IRELAND)—ALLEGED FIRING FROM AN EXCURSION TRAIN AT PORTRUSH.

Mr. JOHNSTON (Belfast, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he had received any information of an occurrence alleged to have taken place at Portrush, in the North of Ireland, on yesterday, in which parties in a Catholic excursion train fired out on some persons, and shot one man dead, and wounded a Presbyterian clergyman?

Mr. SEXTON (Belfast, W.): I wish to ask the right hon. Gentleman, whether this unfortunate and serious disturbance was commenced by an attack by an Orange mob upon a body of Irish National Foresters?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.), in reply, said, he had no information to give on the subject. He asked at the Irish Office just before he left for the House, and learned that no information had been received from Dublin.

LOCAL GOVERNMENT BOARD (IRELAND)—ALLEGED MALVERSATION IN WEST MAYO.

In reply to Mr. Leamy (Cork Co., N.E.),

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.) said, an investigation had been commenced by his direction into the alleged malversation of an official in West Mayo. The inquiry was not yet finished; and, meanwhile, it would be improper to offer any information on the subject.

Mr. LEAMY, in consequence of the answer, gave Notice that he would call the attention of the House to the scandalous conduct of this man in West Mayo.

ORDERS OF THE DAY.

—o—

SUPPLY—CIVIL SERVICE ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

Class II.—Salaries and Expenses of Civil Departments.

(1.) £8,227, to complete the sum for the Lunacy Commission, England.

(2.) £36,789, to complete the sum for the Mint, including Coinage.

(3.) £8,966, to complete the sum for the National Debt Office.

(4.) £34,204, to complete the sum for the Patent Office, &c.

(5.) £16,190, to complete the sum for the Paymaster General's Office.

(6.) £6,077, to complete the sum for the Public Works Loan Commission.

(7.) £10,393, to complete the sum for the Record Office.

Mr. DILLON (Mayo, E.): This Vote is one which I cannot allow to be passed without entering a serious protest against it. The Vote for the Public Record Office includes the sum granted every year for the publication of certain historical documents that have been in course of publication now for many years. I find, among the details given here in a note, that the publication of the calendars and Public State documents commenced in the year 1857, and that up to the present day 191 volumes have been published. The original purpose for which this Vote was put upon the Estimates was to secure the publication of the State documents and calendars of the United Kingdom, and I shall be able to prove, if necessary, that for some years after the commencement of the publication the Vote was fairly distributed between the various parts of the United Kingdom. But I am afraid that the publication of the Irish Records has been gradually diminishing until, for at least two or three years past, no public record or State document has been published in Ireland at all, although the usual publications have been continued in England. I am afraid that there must have been some underhand or corrupt influence at work in the matter, for while 21 editors have been occupied on English Records, not a single editor is at present engaged on records relating to Ireland. The entire Vote is absorbed by the English work, and I ask for a full explanation of the matter from the Secretary to the Treasury.

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.): I regret that I should not be able to make any satisfactory explanation to the hon. Member, unless I were to go into the details with which, however, I am not sufficiently acquainted. I know that the hon. Member for East Mayo (Mr. Dillon) has taken a great interest in the publication of certain Irish Records, and I have already promised him that I will endeavour to make provision for the publication of some of them which I understand to be ready and to have been approved by the hon. Gentleman himself. Indeed, the publication is recommended not only by the hon. Member, but also by those in Ireland who have charge of the business. I can only regret that I cannot give the information as to the details of the work which the hon. Gentleman has asked for.

MR. SERJEANT MADDEN (Dublin University): I am glad that the hon. Member opposite has called attention to this matter. The publication of the Irish Records is a matter of great importance to Ireland, and I hope that before the next Estimates are produced steps will be taken for providing for their issue. English records are constantly published, although they are already accessible in some other form to the historical student. But there are in existence in Ireland a large number of valuable State documents and records which are not accessible, and which it is of the highest importance that the State should publish so that they may be rendered accessible to all who are concerned in studying the history of the country. I may mention, in addition to other records, that there is in existence in connection with Christ Church Cathedral, a book containing a number of unpublished Acts of the Irish Parliament. Those documents are of the greatest possible interest, and contain information of the utmost value with reference to the past history of Ireland. I sincerely hope that sufficient funds will be devoted to the publication of these Irish Records, and that the Government will deal with the matter in a liberal spirit. I understand that there is an annual sum of £2,000 a-year voted for the publication of similar documents and records relating to England, and I think that at least £1,000 should be devoted to the publication of Irish Records.

MR. T. P. O'CONNOR (Liverpool, Scotland): I have no wish to contrast the importance of a large country like England with that of a small country like Ireland; but, at the same time, I am not prepared to subscribe to the doctrine that it is of less importance to spend money on historical investigations in Ireland than upon the publication of English Records. The hon. and learned Gentleman who has just spoken has pointed out one fundamental difference between English and Irish Records. As a matter of fact, English documents are accessible to persons who like to search for them, whereas Irish Records are not. Now that the question has been raised, I think it is the duty of every Irish Member, and of every historical student, whatever his nationality may be, to urge on the Government the vast importance of inviting literary research in reference to Irish history. Nearly all the investigations into Irish history, and certainly all the investigations into Irish chronology, have been conducted not by Englishmen or Irishmen, but by Germans; and I think it is in the highest degree discreditable to the English Exchequer that subjects which are fairly subjects for English investigation, should be allowed to remain in the hands of Germany. I do not know that my hon. Friend is quite right in saying that no money has been spent on Irish investigation, because I find, under Sub-heads B and C, that a sum of about £200 has been spent in the examination of certain Irish documents. Now, I think that a very careful investigation into everything concerned with Irish history is necessary in order to correct the wilful or unintentional errors of Poole in his *Irish History*. It is a matter for much regret that Irish scholarship should be grudged even a small grant of the public money in this respect, seeing the large sums which have been spent in England and Scotland. I will not say that it has been money lavished or wasted, because I think it has been well spent; but what I say is that money has been more freely spent in similar work in England and Scotland than in Ireland. While I am alluding to this Vote, I must say that there appears to be a somewhat startling disproportion in the amount spent on the permanent staff and the sum spent in investigation. I find that the permanent staff cost £18,743, while in the publication of the calendars and documents themselves the sum of £2,580 only was spent. I hope the Secretary to the Treasury will be able to explain this large disproportion, which certainly does appear, at the first glance, to be very great.

MR. DILLON: I understand that the Secretary to the Treasury, in my temporary absence from the Committee, made some statement upon this subject, and in the course of which he intimated that he was unable to give any information in detail, because he had not got the figures. Now, there cannot be the slightest doubt that this Vote was originally taken for the publication of historical documents connected with all parts of the Kingdom; and what I contend is, that there is a much stronger case for using the money for Ireland than for England. Let me take the matter as it stands. The calendars and volumes published in this series until recently stood as follows, the figures bringing the facts down to last year:—In the shape of calendars, 126 have been published for England, and 20 for Ireland. Journals and memorials are largely represented for England; there are no less than 176 for England and Scotland, and 8 only for Ireland. In the press, of both classes, there are 13 for Great Britain and 1 for Ireland; and awaiting publication, there are 11 for Great Britain and none for Ireland. That is the state of the figures; and it would appear that, whereas in previous years, up to a certain date, about 15 per cent of the money was given to Ireland, there is now a very limited amount indeed devoted to the publication of Irish State papers. Indeed, it would appear that some extraordinary or occult influence is at work, by which the money voted for this purpose is absorbed almost exclusively in England and Scotland—Ireland being deprived of its fair share of the grant. But these figures do not give a full representation of the real facts of the case. The fact is this—that so far from there being a strong case for using the money in the preparation of historical records and documents in connection with England, there is an infinitely stronger case in regard to the history of Ireland. Anybody who will take up the catalogue of these publications in the Record Office will find that nearly the whole of the English publications, although undoubtedly of great interest, are mere reprints which have been put into a more convenient shape for the benefit of scholars. No doubt, that is a laudable object, and the money may be said to be applied to a useful purpose; but it is nothing as compared with the printing of documents of equal value which are at present only in manuscript, and of which there is, perhaps, but one copy in the world. I find that the documents which have been published in regard to Ireland have been largely, if not altogether, edited from manuscripts almost entirely unknown to learned men previously. For instance, Mr. Gilbert edited a number of documents relating to a treasonable conspiracy in Ireland in 1601, together with the contemporaneous history of the country at that time. It is a work of extraordinary interest; but only one copy existed in manuscript until the document was published under this Irish Vote. I have heard it stated that there are other documents of equal interest and importance actually awaiting publication, which have been edited by the same editor and by others. It seems to be monstrous that manuscripts of this kind should remain unpublished, while republications are going on which may be useful, no doubt, to English students, but which simply supply reprints of documents already published, such as the Chronicles of Matthews of Paris and others, all of which have been presented to the public in print more than once already, and can be readily obtained. There is a document mentioned by the late Sir Edward Sullivan, in connection with the death of More, which is of extraordinary value, but which is absolutely unknown to the historical student. These documents are contained in a manuscript book, of which there is only one copy, and probably there are not 10 men who are able to read it, seeing that it is in Norman-Latin, with a large number of abbreviations, and it is only students of that period, and very experienced and learned students, who can make out the manuscript at all. Besides, it is exceedingly difficult to get men to edit records of this nature, however valuable they may be. O'Donovan and O'Curry died before their great work of editing the ancient laws of Ireland was completed. That is one of the most valuable works that exists in the whole civilized world, and I am afraid that it is now impossible to get the work completed at all. In many instances the money is voted to men who know nothing whatever of the work. The great difficulty is not so much to get the money as to get the men, and when we have the men it is shameful that we should allow them to waste their lives without utilizing their talents. I think I have made out an extremely strong case for some portion of this money being devoted to Ireland. I think I have shown that for the last three or four years there has been gross injustice done to Irish literature, and I trust that the Government will exhibit some readiness to undo that injustice, and to be generous for two or three years to come. As to one of the books to which I have referred, and which is, I believe, now ready, containing certain records connected with the ancient See of Dublin, I trust that means will be taken for putting it in the press as speedily as possible.

Mr. JACKSON: I have already intimated my willingness to inquire into the facts of the case, and it will be my endeavour to deal as fairly as I can with the applications which are laid before me. When the Estimates were under preparation last October, we gave to Ireland all that was asked for on that occasion. I am told, however, that there are many existing manuscripts which ought to be published, and I have already promised the hon. Member to institute an inquiry into the particular cases he has mentioned.

Vote *agreed to.*

(8.) £30,693, to complete the sum for the Registrar General's Office, England.

(9.) Motion made, and Question proposed,

"That a sum, not exceeding £336,260, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for Stationery, Printing, and Paper, Binding, and Printed Books for the several Departments of Government in England, Scotland, and Ireland, and some Dependencies, and for the two Houses of Parliament, and for the Salaries and Expenses of the Establishment of the Stationery Office, and the cost of Stationery Office Publications, and of the Gazette Offices; and for sundry Miscellaneous Services, including a Grant in Aid of the publication of Parliamentary Debates."

Mr. JENNINGS (Stockport) in rising to move the reduction of this Vote by the sum of £10,000, said: I wish it to be understood, at the outset, that I have not the slightest intention of casting any imputation upon the management of the Stationery Department, by Mr. Pigott, the Comptroller. I think there is evidence in his reports that he has made every effort to cut down unnecessary expenses, and to introduce economy into the Department; but he can go no further without the assistance of the Government and of this House. This Vote is for a very large sum—namely, £556,260, and I think there can be no doubt that a material saving may be made in it. It will be seen, under Sub-head E, that the printing for Public Departments cost £185,000, being an increase of £5,000 over last year, and of £9,100 for 1885-6. This, therefore, is obviously a rapidly increasing item, but no details are given of the expenditure. It is only stated that the Vote is for the Public Departments. In addition to the item for printing, the paper supplied to these Departments costs £120,000, as will be seen from Sub-head F; so that these two amounts come to £305,000, or considerably more than one-half of the total Vote. And, be it observed, that this printing is totally apart from Parliamentary printing, which comes under Sub-head J, and represents an expenditure of £70,000. Now, it does not appear that there is any efficient check upon the printing for the Public Departments, and that being the case, it is very evident that there must be great wastefulness in this branch of outlay. The Foreign Office alone gets rid of nearly £12,000 a-year in this way, an increase of more than £1,000 over the previous year. The Board of Trade cost £9,727 in 1885-6, as against £7,779 the previous year, or an addition of nearly £2,000, besides £3,000 in connection with Mercantile, Marine, and in other forms. We are not informed how much is taken for it this year. The Patent Office and its belongings cost nearly £28,000, an addition of nearly £5,000. A mere glance at the Papers before the Committee will not throw the slightest light on the way in which this money is disbursed; but I find, on further examination, that there are over 300 offices supplied with stationery and printing, many of which may very well be left to take care of themselves. There is, for instance, a Department of "Polish Refugees' Agents," "The Liberated African Department," "The Pipe Office," "The Disembodied Militia," and so forth. Surely, if a disembodied Militiaman wants to use stationery, he ought to supply it for himself. In fact, the list of offices supplied at the public expense might be cut down by at least one-third, and the supply all round might probably be cut off by at least one-half. Then the Parliamentary Papers under sub-head J are estimated to cost £70,000. I have no hesitation in saying that it would be of great advantage to the House, and to the public, if this amount were greatly reduced. A large part of it, under present arrangements, might as well be thrown outside into the Thames. One of the numerous penalties of being a Member of Parliament is the avalanche of Blue Books which is continually pouring upon one's head. No ordinary house will hold them; if you sell them, the proceeds do not go very far towards paying one's election expenses. Some of these books are very costly in production, they are often illustrated with coloured diagrams and expensive maps and drawings, and yet they remain quite unknown to the bulk of the people. The expense of producing them must be enormous, and out of all proportion to their value to the public. I think the Government might, with great propriety, decline more frequently than they do to produce these costly books at the public expense. They answer no other purpose as a rule than the gratification of an individual caprice. There is scarcely any public demand for Parliamentary Papers. According to the Auditor and Comptroller General, the cost of producing these papers in 1885-6 was £68,383, and the total sum realized by their sale was only £1,285. Acts of Parliament and other Papers are scattered about in an unnecessarily profuse and foolish manner. It is only justice to the Comptroller of the Stationery Department, Mr. Pigott, to say that he has protested against this in the two reports he has issued, and that he has urged upon the Government the propriety of acting upon the recommendation of the Committee which inquired into the subject of making the distribution of these reports less objectionable than it is now. I am aware that some of these Papers have to be applied for, and are not issued generally; and I think that the Government might, with advantage, carry out that rule much further, and leave Members to apply for all documents without tumbling them into their houses whether they want them or not. There are special Reports printed of which the general public seldom hear, and I question the wisdom of printing them. The Reports of the *Challenger* expedition, for instance, have already cost the country £53,000, and very few copies indeed have been sold. They have value from a scientific point of view, no doubt; but they have been produced in a very extravagant and unbusiness-like manner, and they are not accessible to the general public. In regard to Acts of Parliament it appears from Mr. Pigott's first Report, issued in 1881, that "the free list," so to speak, was last drawn up in 1801, and he says—

> "The municipal authorities of the boroughs of Gatton and Dunwich—the latter a seaport of importance in the reign of Henry VIII., but now for many years almost entirely submerged —still appear in the List as public functionaries for whose use Acts of Parliament are supplied and paid for at the public expense."

He does not tell us in his second Report that the papers have been discontinued, or how they are delivered at the submerged port of Dunwich. Perhaps the First Lord of the Admiralty undertakes that service, and will be able to throw some light upon the matter. Obviously there is considerable room for saving money in this direction. And so there is in regard to the printing of Private Bills. I think there ought to be some judicious restrictions placed upon the privilege now accorded to every Member of having any Bill he chooses to introduce printed at the public expense. There was an immense crop of Bills introduced at the beginning of this Session, of which very few remain alive now, and some of them were of enormous length. One of them forms a good thick volume of 115 pages which, I am told, would make an octavo volume in print of more than 300 pages. Nobody is likely to read it, except its illustrious author. I would rather not mention which Bill it was, because I do not wish to make it appear that I am attacking either one side of the House or the other. Then, again, there was another Bill of 111 pages, another of 60, and so on. Not one of these elaborate measures ever had the slightest chance of receiving the attention of Parliament. I may say that among the more voluminous Bills were "The Companies Consolidation Bill," "The Parliamentary Elections Bill," &c. I will now glance at the salaries, some of which appear to be very high. I say nothing of the salary of the Comptroller who, considering his duties and responsibilities, is not over paid with £1,500 a-year.

But there is an Assistant Comptroller at £800 a-year, three clerks receiving between them £1,650, one with £500, 12 receiving £4,447, and so on. There can be no doubt whatever that these clerks are all greatly over paid, taking the salaries paid by any mercantile house as a standard. And it must not be forgotten that in a mercantile house the clerks would not be entitled to large pensions as these Government clerks are, no matter how little they may have done to deserve it. Therefore, I think that the high salaries paid ought to be taken into consideration when the pensions are fixed. Then the Superintendent of Printing gets £550 a-year, undoubtedly a great prize in the printing trade. There is also a deputy assistant, with £500 a-year, and an Assistant Examiner of Printing with £225 a-year, together with two examiners of printers accounts who receive £400 a-year each. It would puzzle anyone to explain what duties these functionaries perform. Some of them, I venture to say, hold sinecure offices. Then I ask the Committee to look at the entry on page 150 of £1,260 for porters, followed by another probable amount required for wages of porters and boys, £4,687. Surely that is a very large amount, very loosely and inadequately accounted for in these Estimates. Women are to be paid £80, and then men, women, and boys having been accounted for, there is a charge of £1,021 for certain mysterious nondescripts described as "others." What sort of "others" can these be, and what kind of service do they render the State for £1,000 a-year? All I ask the Government is, whether they cannot see their way to make a considerable reduction in the charge for printing for the Public Departments and for the paper used, which, together, represent an expenditure of £305,000 a-year. I believe that your own officer is in favour of reducing these charges for Parliamentary printing. He tells us there can be no question as to the value of the Reports made to the President of the Board of Trade upon the working of the Boiler Explosives Act of 1882. The Act requires that the Board shall cause every such Report "to be made public in such manner as it thinks fit." Now, in the first place, the Reports are published separately as they are received, and I think that ought to answer every conceivable purpose. The Comptroller says—

> "It is difficult to understand what further object is gained by afterwards collecting the reports and presenting them, in the form of a ponderous Blue Book, to Parliament; but since the passing of the Act three collections of the kind have already been presented, and a fourth of the series, containing 96 pages of letterpress and 111 lithographic illustrations, is now passing through the press."

What value they are it is impossible to conceive. They can only be sold as waste paper, or be allowed unnecessarily to fill up a room. No doubt the Reports relate to matters which involve the expenditure of millions of money; but we are told that if we wish to effect economy we must begin by looking at the sixpences. I believe there are a good many sixpences which might be saved in this Department, and I hope the Secretary to the Treasury will be able to give the Committee some assurance that the number of Blue Books issued will be considerably restricted in future. I would suggest not only that the distribution should be restricted, but that the cost of these books, which involve the production of expensive engravings, coloured prints, and so forth should be cut down, and at the same time that all the salaries should be overhauled with a view to reduction. These are the recommendations I wish to make, and I beg, in conclusion, to move that the Vote be reduced by the sum of £10,000.

Motion made, and Question proposed, "That a sum, not exceeding £326,260, be granted for the said Services."—(*Mr. Jennings.*)

MR. A. H. DYKE ACLAND (York, W.R., Rotherham): I wish to ask the Secretary to the Treasury whether still more real and effective control cannot be provided in connection with what is really the publishing department of the Government. At present, there does not appear to be any proper control or supervision in the department at all, and publications are sent out by the Government in a most unsatisfactory manner. The Comptroller might, I think, by judicious editing, do much to popularize the Government publications, and I think that in that way a good many of the publications issued might be rendered very useful. For instance, there are the Reports relating to colliery accidents, which contain information of considerable value to the districts where such accidents have occurred. If they were in the hands of a regular publishing firm, steps would surely be taken to make their contents known, and they would become of much greater value than they are now, under the supervision of the Comptroller. If these publications were in the hands of ordinary publishers—such as Macmillan or Cassells—I am satisfied that a great deal would be done to popularize them. If not, I think we might cut off a good deal of this expenditure altogether, seeing that it is entirely wasted, because what is done is not sufficiently made known. Let me take the case of the Report of the Commission on Technical Education. The Commissioners appointed to inquire into that subject have issued an exceedingly valuable Report; but the most important volume has been allowed to run out of print, and I believe there has been no attempt to reproduce it. That certainly would not have happened if the publication had been in the hands of an enterprising bookseller. The Comptroller, I dare say, knew nothing whatever about the matter, and only allowed a limited number of copies to be issued. Let me take another instance. Last year, the Report of the "Accidents in Mines Commission," the Commissioner, having been at work for seven years or more, was printed. They published, inside their Report, an admirable summary of the evidence, together with their recommendations contained in about 15 or 20 pages. The Report itself, which was full of illustrations, cost 11*s*. 6*d*.; but although many of the miners who are most interested in it could not afford to pay that sum, they would gladly have purchased the summary, which might have been published separately at a cost of 2*d*. or 3*d*., and could have been circulated all over the mining districts. I asked one of the Government officials whether that could be done, and I was told that it was impossible. Therefore, I ventured to take up the work myself, and having privately printed the summary so that it might have been sold for a profit of 1½*d*., I have done the best I could to get it well circulated among miners; but I think that a work of that kind ought to be done by the Government themselves through the instrumentality of a Department of this sort. They ought either to hand the work over to booksellers, who would make a good speculation out of it, to be published under reasonable control, or else the Comptroller ought to go into the subject thoroughly, with a view to popularize that part of our publications. I believe the Secretary to the Treasury fully recognizes the importance of the matter, and I am aware that the Report of the Depression of Trade Commission has been published, in a useful form, for 6*d*. That is quite a departure from the usual course, and as I am afraid the fact is very little known, I think something ought to be done to make it more widely known. I also think that with a little effort on the part of the Postmaster General arrangements might be made to hand over part of the windows at the post offices, so that it may be made known that useful publications of this kind are being issued from time to time. It is a work, however, in which the head of the Department ought to take the initiative; but I am satisfied that something ought to be done to make the heavy expense incurred in printing Reports of this nature really worth while. Cheap publications of this sort might be freely issued; and I think it should be the duty of some of the heads of the Departments to see how they may best be popularized and got into the hands of the public. That is a work which, as far as I can judge, the head of the Stationery Department might take in hand. I know that a good deal was said about the duties of the Office when the present Comptroller was appointed. I have no wish to allude to that matter further than to say that when a man receives £1,300 or £1,500 a-year, and is the head of a most important Department, he might do a great deal for political education, in no Party sense at all, by helping to spread among the people information which it costs the country so much to get. I think that his attention ought to be drawn to the matter; and while I believe the present Secretary to the Treasury fully recognizes the force of these suggestions, I wish to press upon him their very great importance.

Mr. HOWELL (Bethnal Green, N.E.): I should be very sorry to do anything to prevent the observance of strict economy in the administration of any public Department, and I certainly think there is plenty of room for economy in the Department now under discussion. At the same time, I should deprecate any hasty cutting down of our printing arrangements, although I should be glad to see the publications issued by the Government thoroughly supervized and edited. That there is a considerable amount of waste I think most hon. Members of this House will be prepared to admit; but I certainly cannot agree with the opinion which has been expressed that the Parliamentary Reports, Bills, Blue Books, and other Papers issued by this House constitute so much waste paper. On the contrary, I think they contain a very valuable amount of information—so valuable, in my opinion, that I have done what I believe few other hon. Members have done—namely, gone through the whole of the publications issued by this House during the last two years. I know that it has been a somewhat labourious task; but I am able to say that I have not only gone through the Papers, but that I have made very considerable use of them. At the same time, I cannot help protesting against the way in which our Papers are issued. In many of them the same information is detailed over and over again, and I am sorry to say that very often the same information, obtained apparently from the same sources, does not always correspond in the different editions in which we find it. I think it is quite sufficient to issue for general circulation by means of a Blue Book the special information which it is considered desirable to present to the public; but it is not necessary that the same information should be published over and over again in a different form in the publications issued by this House. I did not happen to be in the House when the hon. Member for Stockport (Mr. Jennings) commenced his speech; but I understand that he made some observations in reference to the publication of Bills introduced by private Members, and suggested that they should be printed by the private Members who introduce them, instead of being printed at the public expense. Now, I would venture to ask whether, in many instances, these Private Bills have not paved the way for much of the useful legislation which has been passed by this House? With due deference to hon. Members on the other side, I believe that within the last two years the Bills introduced by private Members have shown a considerable advance in education even on the part of hon. Gentlemen opposite themselves. I find that many excellent measures which were strongly deprecated two or three years ago by hon. Members on the other side have now been adopted by them, and that many of those hon. Members are now acting as a vanguard, and are engaged in educating their Party, leading them on to useful legislation, when the Government they support can see their way to adopt the measures submitted to them. I certainly wish that the Government could see their way to deal more freely with some of the Bills brought in by private Members.

THE CHAIRMAN: Order, order!

MR. HOWELL: I bow to your decision, Sir; but I think I may be allowed to say, with regard to the Bills introduced by private Members, that they are useful as indicating the views of hon. Members, and that they have considerable interest for the country. I venture to think that a number of the Bills which have been introduced here have been widely circulated among the constituencies, and they have materially helped to educate the people in every way. In regard to some of the more elaborate Reports which have been issued by this House from time to time, I must say I think something might be done to curtail the expense, which is often very considerable. At the same time, I know there are great difficulties to be contended with. For instance, you must not put a power in the hands of any officer of a Public Department which will enable him to judge for himself what is to be left out of the evidence laid before a Commission or Committee. When an investigation has been conducted by a Royal Commission, or by a Select Committee of this House, I think the evidence laid before it should be published as it is. No doubt there are a number of the huge Blue Books, such as that upon technical education, and the Blue Book in regard to the Land Commission which, although, containing very valuable matter, are unnecessarily elaborate in their form, and something might be done to curtail their dimensions from time to time. I think, that a smaller number of copies of the expensive books might be printed with a supplementary issue containing a separate digest of the evidence as a whole. Such a summary could be published at a cheap rate together with the Report. I hope the time is not far distant when the House will be able to supervize the printing and publishing Departments of the Government, so as to curtail the expenses; but, at the same time, I hope that nothing will be done in the way of curtailment that would be likely to interfere with the full expression of opinion called forth in various ways, through the publication issued by the House. It is in order to preserve that full expression of public opinion that I think there should be no restriction as to the nature of the information circulated to the public.

SIR JOHN SWINBURNE (Staffordshire, Lichfield): I trust that Her Majesty's Government will take into consideration the suggestions which have been made by the hon. Member for the Rotherham Division of Yorkshire (Mr. A. H. Dyke Acland) in regard to the distribution of Reports, of great local interest, through the Post Offices. At the present moment, local booksellers will not take the trouble to procure them. Applications may be made over and over again for copies of the publications issued by the Government; but the booksellers make all sorts of excuses, the real fact being that there is very little profit to be got out of them, and a good deal of trouble. Yet these Blue Books contain very interesting information, as for instance, the reports in regard to accidents in mines, and upon many other subjects. I do not see why the Officers at the Treasury should not work with the Postmaster General, and arrange that public documents may be issued all over the Kingdom and sold in the Post Offices, at the prices at which they are published. I hope the Secretary of the Treasury will take this matter into his serious consideration.

SIR GEORGE CAMPBELL (Kircaldy, &c.): I also concur in the view expressed by the hon. Gentleman who has just sat down, that the Member for the Rotherham Division of Yorkshire has done excellent service in calling the attention of the Government to this subject. I think that a great deal is required to be done in order to popularize these publications, and much might be done in the direction pointed out by the hon. Member. It seems to me, however, that in order to popularize the Blue Books issued by Parliament, not only must we have publishers to push them, but something must be done in order to make the Blue Books themselves popular. Now, it strikes me that a great many publications are issued which are not only unpopular, but are simply unreadable. An hon. Member once told me that in making a speech he always found it much easier to be long than to be short, so it is in the case of these publications. It is much easier to pitchfork an enormous number of documents before the public than to supervize them and render them readable. I think a great deal of the blame attaches to the Government themselves. No doubt, they occasionally issue documents which are not only interesting, but useful. There are, however, many documents of the same kind which they do not care to give to the House, and in other cases, they are frequently accompanied by a good deal of unnecessary padding. For instance, in the Blue Books issued in regard to Egypt the Government contrived to suppress very carefully everything that anybody cared to know, yet they give an extraordinary amount of useless information, full of details about things it was not probable any human being cared to read. By that means they made all the volumes issued in respect of Egypt uninteresting and unreadable. Therefore if we are to popularize our Blue Books and Bills, we must begin by condensing them, and making them interesting and readable. When we have done that, we should endeavour to secure the services of a good publisher, in order to push forward the sale. In that way, I think that an enormous amount of information which is contained in these Blue Books would be popularized and would not be lost to the world, as at present. For my own part, I have been in the habit of sending the Blue Books I receive to my constituents, so that they may be made acquainted with the information published by the Government. No doubt, a good many of the Parliamentary Papers issued by this House are in the highest degree imperfect, and unfortunately Parliament has no control over its own printing, and it is with the utmost difficulty that Members are able to obtain important information upon any subject when an opportunity is about to be afforded for discussing a particular question in this House. When Notice has been given of a Motion, and Papers are asked for, they are very rarely produced until the moment the subject itself is coming on for discussion; and if any complaint is made, the fault is thrown upon the printers. The Government say—"We have no control over the printers, and we cannot guarantee when the information which has been promised may be published." Now, it seems to me most extraordinary that such a state of things should exist. There is no second-rate newspaper in London, or in the Provinces, which would not, in the course of 12 hours, supply this information to the public if it were handed over to it. It does seem to me very extraordinary that the House of Commons should have no control over its own printing, and in consequence the House is unable to insist upon important documents being produced within a reasonable time. At present the head of any Department is able to put off the production of important Papers by merely saying that he has no control over the printers. In many cases it is not until Parliament has been prorogued, and when the information is of no service whatever, that it is supplied to the public. I trust that we shall receive some explanation as to the way in which departmental printing is conducted, and who is responsible for having it done in a reasonably rapid time.

Sir HENRY SELWIN-IBBETSON (Essex, Epping): Before the discussion closes, I should like to say a word on this matter; because I have, on former occasions, endeavoured to place my views on the question before a Committee of this House. I will not allude to the question of popularizing these documents, because I am afraid that in that direction we may find ourselves in a long lane which has no turning. But I think that something may be done in the way of economy in connection with the publication of Parliamentary Papers. I have ventured to suggest before, and I will do so again, whether it is not a matter worthy of consideration that the Government should leave a large number of these books to be asked for by Members, instead of circulating them as a matter of course. At present, I am afraid that the neighbouring butterman is the only individual who derives any benefit from a large number of the Blue Books now circulated. Instead of sending all the Parliamentary publications to the residences of hon. Members, I think that Members themselves should be required to notify to the Stationery Office what Blue Books they require for their own personal use. By that means, I think a considerable economy may be effected.

Mr. PROVAND (Glasgow, Blackfriars, &c.): I am of opinion that if some of the Reports and Papers issued by Parliament were published in a cheap, attractive, and well-edited form, many Members would be encouraged to purchase large numbers of copies for distribution among their constituents. Unless, however, they are put in a proper form, they are entirely valueless for general circulation. As an instance of what I mean, I will mention the sixpenny edition of the Report of the Commission on the Depression of Trade. I believe that that Report, so far as it has been circulated, has done much good; but if it had been advertized in some way, a very much larger number of copies would have been disposed of. At present many people are not aware that it can be purchased for 6*d.*; otherwise I have no doubt that the publication would have been profitable, and it would certainly have been instrumental in circulating important information through the country. I believe, if it is made possible that the Parliamentary literature to be issued can be obtained cheaply from this new Department—this bureau of labour statistics, I presume it may be called—it will be of great value to the constituencies.

General Sir GEORGE BALFOUR (Kincardine): I believe that I am the only Member of the House now remaining who sat on the Committee of 1873 and 1874 on this question of the stationery. Many of the improvements that were then recommended have since been carried out. I have watched this Vote very carefully ever since, and I have certainly seen improvements effected in a variety of ways in the printing arrangements which have been made by the Government. But, considering the length of time which has elapsed since the Committee sat, I would suggest to the Secretary to the Treasury the propriety of taking steps for the appointment of a new Committee. If such a Committee were appointed, say next Session, I believe that it would be found practicable to carry out many of the suggestions which have been made in the course of the discussion.

MR. MUNDELLA (Sheffield, Brightside): Before the Secretary of the Treasury rises to reply, I should like to call attention to a matter upon which I asked for information at the commencement of the Session—I refer to the sale of the copyright of the Government in the publications they issue. My hon. Friend the Member for the Rotherham Division of Yorkshire (Mr. A. H. Dyke Acland) is anxious that there should be a cheap popular reproduction of the useful Blue Books published by this House, and he believes that if there were a moro cheap reproduction, these Parliamentary Papers would have great educational value with the people of this country, and that they would be largely read and much appreciated. But if the Government has disposed of its copyright in the republication of its own documents, it is impossible for hon. Members to hope for such a cheap and popular republication of Government documents as is generally desired. [Mr. JACKSON dissented.] I am glad to see that the Secretary to the Treasury expresses dissent, but I remind him that up to the present moment we have had no information on the subject, although the assertion has been frequently made that the Government have parted with their copyright in Parliamentary documents. If it is true that they have sold the sole right of publishing Government Papers, for a specific sum, then I think that they have practically parted with the copyright. I hope, however, that the statement will turn out to be untrue. If these documents are published, as I think they ought to be, for the advantage of the public, the Government ought to be grateful to anybody who will reproduce them cheaply, and if the newspapers or any public associations would publish them and distribute them, I think they would do a good service. With reference to the labour publications issued by the Board of Trade, I would venture to express a hope that they will be published periodically, and at regular intervals, in a cheap form, so that they may reach the masses of the country, but not in the ordinary shape of a Blue Book. They might be issued at a very much smaller cost than the documents which have recently been published, and hon. Members would then be able to send them to trades union clubs for distribution among the working classes who are specially interested in such subjects. I think these documents would be exceedingly useful and very educational, and that they would practically do great service in reference to the labour question. As we are anticipating Reports in reference to foreign labour, the wages paid in foreign countries upon co-operation, and other kindred questions of great interest to the working classes, I hope some means will be taken for publishing these papers at the lowest possible rate, so that they may be largely distributed throughout the country. I know that that was what was contemplated when the Department was formed. I must congratulate the Secretary to the Board of Trade on the first fruits of Mr. Burnett's work, which I think are very excellent. There is no one who is capable of doing the work better than he has done, and I only hope that the work will be published sufficiently cheap to bring it within reach of the masses.

MR. BRADLAUGH (Northampton): I did not intend to obtrude myself upon the Committee in the discussion of this Vote, and I only rise for the purpose of saying that although I quite agree with the observations of the right hon. Gentleman the Member for the Brightside Division of Sheffield (Mr. Mundella) as to the advantages of publishing these Parliamentary Papers at a cheap rate, I do not at all agree with him in the comments he has made upon the labour statistics which have just been issued. A publication which professes to deal with trades unions, but only deals with 18 out of more than 250, and tells very little about those which has not already been published, cannot be of much use to the people whom it is intended to serve. Unless there is some reference to the rate of wages from time to time, and if these statistics are only to be published at long intervals, I shall feel inclined to regret that I have put the country to the expense of giving them at all. I shall be glad to hear from the Secretary to the Treasury what the Government intend to do in the matter. Nothing has as yet been done to give effect to the intention with which the Returns were asked for.

MR. F. S. POWELL (Wigan): There is another point to which I wish to direct the attention of my hon. Friend the Secretary to the Treasury—namely, whether the cost of printing, as an article of production, has been sufficiently reduced. I believe there will be no doubt among men who have had to deal with printers' bills during the last few years, that they have been largely reduced; and, further, it is a matter of experience, that with proper and legitimate pressure, even a further reduction might take place. I would ask my hon. Friend whether, as a matter of business, he has endeavoured to secure a reduction in the printing charges? The next point to which I desire to draw the attention of my hon. Friend is the necessity for the exercise of greater discrimination in the number of copies published. I quite agree with what has been said in regard to the valuable Report of the Commission upon Technical Education—namely, that it should have been allowed to run out of print. In the second volume there are constant references to the first volume; but when application is made for the first volume, it is found impossible to obtain it. I think it is not asking too much to urge that at an early date there should be a republication or reprinting of the first volume. The next point I wish to press is the necessity for some more careful selection of the matter of the Blue Books. Reference has been made to the abstract which has been issued of the Report on Accident in Mines, which naturally embodies a summary of a large mass of evidence. I think the attention of heads of Departments should be directed to the subject, in order to insure that the valuable parts of an inquiry should be submitted in the nature of a *precis* or summary apart from the larger volume containing the evidence in full, so that those who have neither the time to wade through a ponderous volume, nor the purse that would enable them to pay for it, should be able to obtain, in a cheap and simple form, what is likely to be of real use to them. There is another question to which I wish to call attention which has not been referred to in the course of this brief debate, and that is, that the great cause of the increase in the printing bill is the action of Parliament itself. I do not refer to the printing of Returns, but to the creation of new Departments. Some reference has been made to the Explosion of Boilers Act. The passing of that Act involved the appointment of an Inspector, and, of course, an Inspector must report. If he did not, his appointment would be almost a mockery. An Inspector who gave no information would be of little service, and his influence upon the public at large would be very little. I would venture to say that when once Parliament has appointed an Inspector it is bound to publish his Reports. I know, from my own experience in these matters, that not only the persons employed in the management of mines or as superintendents of boilers have derived great benefit from the diagrams contained in these Reports, but that much advantage has been obtained by the workmen themselves.

MR. WOOTTON ISAACSON (Tower Hamlets, Stepney): I quite agree with the hon. Member for Stockport that this Vote, including, as it does, an item of £185,000 for printing and £130,000 for paper, is a very large one. What I wish to know is the mode which is adopted in the Stationery Office for submitting the printing to public competition. I may be told that it is submitted to public competition already; but the competition is that of three or four leading business houses. I do not call that public competition in the strict sense of the term, and I hope the Secretary to the Treasury will let the Committee know that in future these large contracts will be submitted to, at least, 12 of the leading business firms. I believe that if that were done we should be able to make a very large saving on that head alone. It was only the other day—I will not mention either the Vote or the specific item, but it was a Vote for a very considerable sum of money—that it was pointed out that of four firms who had submitted prices, two happened to represent the same firm, so that they obtained 50 per cent of the advantage of the tender. I think that these tenders should be spread over something like a dozen firms at least, in which case it would be impossible for a circumstance of that kind to arise. I hope we shall have an assurance from the Secretary to the Treasury that at least 12 leading firms shall have an opportunity of competing for the various items embraced in the Stationery Vote.

Mr. CHILDERS (Edinburgh, S.): I had almost hoped that the Secretary to the Treasury had spoken before now upon the points which have been under discussion, because I am anxious to bring forward a matter of interest which has not been alluded to by any previous speaker in connection with this Vote. I had hoped that the interesting questions raised by the hon. Members for Stockport and the Rotherham Division of Yorkshire, as to the general expense of printing and publishing Parliamentary Papers, would have been disposed of before I referred to the charge for the printing of the Parliamentary Debates. If hon. Members will refer to page 21 of the Estimates, they will find there is a charge of something over £5,000 for the Parliamentary Debates. Now, we all know that for very many years the printing of the debates has been in the hands of Mr. Hansard.

The CHAIRMAN: A separate Notice has been given in regard to the particular item to which the right hon. Gentleman is now referring, and it would, therefore, be better to reserve the discussion upon it until that Motion is made.

Mr. CHILDERS: I was not aware of that.

Mr. LABOUCHERE (Northampton): I myself have an Amendment upon the Paper in reference to that question. But before we reach it, I wish to say a word upon the observations which fell from the right hon. Member for the Brightside Division of Sheffield (Mr. Mundella). The right hon. Gentleman said that it is desirable to publish and widely circulate a great many of the Reports submitted to the House, and he suggested that it should be done at the expense of the Government. Now, I do not think that that is quite the best plan. As hon. Gentlemen well know, the mere fact of publishing a Parliamentary Paper in a Blue Book will not in any way save expense if it is desired to re-issue it in another form. The whole of the original cost of publication would have been already incurred. I think the better plan would be to have an understanding that those who do the printing of Blue Books and Returns shall not have an exclusive right to these publications, and then other publishers would make it their business to go into the market and bring out, in a cheap form, such matter of that kind as may be likely to be demanded by the general public. I think the Secretary to the Treasury will find that that is not only the best, but infinitely a cheaper plan than getting the Queen's printers to republish a document. I wish, further, to ask the hon. Gentleman to tell the Committee, when he rises to reply to the general discussion, why it is that the printers take so very long in submitting to Parliament the Blue Books which are ordered to be printed. The reason I take it to be is this—that the printers employ a certain number of compositors and a certain number of boys, and find it cheaper to keep the public waiting, rather than increase the number of compositors and pay for the work upon a better scale. There ought to be some plan by which the House of Commons would not have to wait so long as it now does for these Papers. A trumpery Return, which might easily be produced in three days, is often not presented for many weeks.

Mr. JACKSON: In reference to the question brought forward by the hon. Member for Stockport (Mr. Jennings), I may say at the outset that I am extremely glad that the Committee seem disposed to give a general support to the Government in endeavouring to limit, as far as they can, the useless printing and publication of Blue Books, and may say at once that I cordially welcome the assistance of the criticism which my hon. Friend has brought to bear on this Vote. But I would point out to the Committee that the Stationery Office is in a most peculiar position in this matter. I need hardly remind the Committee that the Stationery Office, as far as it is concerned, has, practically, no control over the amount of paper and printing which may be required by the Public Departments. I see no remedy for that. The Stationery Office has been constituted for the purpose of supplying all the stationery and printing which may be needed for the various Public Departments, and I have no doubt whatever that the Stationery Office, dealing as it does with the whole of the printing which the various Departments of the Public Service require, does effect an enormous amount of economy as compared with what the result would be if each Department were allowed to control its own printing in its own way. The hon. Member for Stockport has spoken of the very large sum expended upon paper and printing for the Public Departments. Now, according to the information which I have received, not only is the paper bought by open competition, and not only are tenders invited, as an hon. Member has suggested, from at least 12 firms, but I am told that any firm occupying a reasonably responsible position, which applies to be put on the list of the firms which receive from time to time notice that tenders are being invited, is at once placed on the list, and at the present moment there are more than 100 firms on the list to whom the tenders are sent.

MR. WOOTTON ISAACSON: Are they paper manufacturers?

MR. JACKSON: I believe they are manufacturers and merchants.

MR. WOOTTON ISAACSON: How many manufacturers are there?

MR. JACKSON: I do not know; but I believe that some of them are manufacturers, and some of them are merchants. I know, from my own personal experience, that it is a great fallacy to suppose that it is always an advantage to purchase direct from the manufacturer. I have known a great many instances in which it has been possible to buy cheaper from the merchant than from the manufacturer. Therefore, I do not think the Government should be limited in their dealings to the manufacturer, but that they should go openly into the market and buy where they can get the article they want at the cheapest rate whether it be from the manufacturer or from the merchant. I admit that that is a very large question, and I have a sort of conviction that there is an enormous waste in connection with the publication of Blue Books and the printing for the House, but the Stationery Office has no control over it. Let me take the case of printed Bills introduced by private Members, which was referred to by my hon. Friend the Member for Stockport. Now, the House has ordered the printing of Bills, and unless the House reforms its own procedure, it is absolutely impossible for the Stationery Office to exercise any real economy in the matter. I should only be too glad, if it were possible, in some form or other to limit the extraordinary amount of printing for which the public have now to pay. I readily admit that a great many useless publications are issued, and, as far as I am concerned, I should most cordially welcome any proposal that would have the effect of limiting this expenditure. I can assure the Committee that from time to time, within the last 12 months, I have myself made strenuous efforts to induce hon. Members who have moved for Returns which seem to me to be of small public interest, to accept the presentation of the Returns giving the information sought for, and thus saving the country the enormous cost of printing them; but I can assure the Committee that I have met with very little sympathy in the efforts I have made in that direction, and I should be very glad indeed if the Committee would support me in future endeavours to limit that expenditure. We have extended what is called "the short list." We have endeavoured to limit and to place on that list all such papers as we think ought to be put on the short list. But from time to time we have complaints from hon. Members that they have not received their Papers, and as they are quite within their right in putting down their names to have all the Papers sent to them, their wish must be complied with. I may further remind the Committee that in regard to the question of the Stationery Office it has been quite recently the subject of investigation by a Committee over which the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler) presided, and which I believe did extremely good service in connection with that matter. The whole question was most carefully gone into, and the cost of printing, partly from the result of the labours of that Committee, in connection with fresh contracts, has been enormously decreased; something like £30,000 a-year less being paid now than was paid formerly. Therefore, what I want the Committee to understand is this—that while I sympathize with what I cannot but feel is the general impression, that the amount of money expended in these publications is enormously large, it is almost impossible to adopt any measure for limiting the amount, unless Members of the House of Commons will themselves assist in carrying out that object. My hon. Friend the Member for Stockport spoke of illustrating the Blue Books with costly engravings and coloured plates. I need hardly remind the House that as far as the Stationery Office is concerned, and as far as the control of the Stationery Office is concerned, they are absolutely powerless in the matter. These Reports are issued by the Departments—many of them by the Foreign Office—and all we have to do is to accept them as they are presented and sent to the Stationery Office. All other questions must be dealt with by the Department itself. I am afraid that my hon. Friend the Secretary to the Board of Trade represents a Department which is largely responsible for many of these costly publications, although, no doubt, they have great public interest, and some of the matters to which they relate are of the utmost consequence. My hon. Friend the Member for Stockport made some complaint as to the employment of women and girls.

Mr. JENNINGS: No; I asked for an explanation as to the item for porters.

Mr. JACKSON: No doubt, the charge for porters is very large; but I can assure my hon. Friend that these porters are fully employed and are absolutely necessary. It must be borne in mind that the Stationery Office have to deal with an enormous quantity of paper and of publications, and that they have to meet sudden demands which at any time may come upon them from various Departments. It is therefore absolutely necessary to keep up a large staff of porters. Indeed, I am afraid that it is absolutely essential to keep up at all times the maximum staff. As to the suggestions which have been made by the hon. Member for the Rotherham Division of Yorkshire about popularizing the Government publications, and insuring a large circulation of them among the constituencies, I can only give one word of caution on that subject—namely, that it certainly does not mean economy. It does not mean limiting the cost of the Stationery Office, because, although you may increase the circulation, it must be borne in mind that every one of these Government publications is sold at less than cost price. Therefore, the larger the circulation the more the Government have to pay out of pocket. I entirely sympathize with the views which have been expressed in regard to the wider circulation of Parliamentary Papers of general interest, and as far as I can give effect to what I believe to be the view of the Committee with reference to such Reports I shall certainly do so. I have given general orders to the Stationery Office in regard to this question that they are always to bear in mind that whenever a Report is of itself an interesting document, and one likely to have a large circulation, it is, wherever practicable, to be issued as a separate Paper, so that it may be obtained at a small cost. This is especially desirable, I think, in a case where the details and the evidence are voluminous, and likely to be sold at a high price. In reference to another subject to which attention has also been called—namely, the printing of Acts of Parliament—hon. Members will be aware that we have been pressed from time to time to print such Acts at a small price. Acts of Parliament have been printed hitherto, and mainly published by one firm. It is the intention of the Government, in the future, to have the Acts printed under Government sanction and authority, and sold in the same way as other Government publications, which means practically the selling of them under cost price. It is thought desirable that everybody should be able to obtain the Acts of Parliament which are passed from year to year. The hon. Member for the Rotherham Division of Yorkshire spoke of the Report of the Commission on Technical Education being out of print. I understand that that Report is out of print; but I think the fact illustrates the difficulty of dealing with this Vote—namely, that it is almost impossible to gauge exactly the number of copies that may be required of any particular Paper. There has been no desire whatever to restrict the printing of this Paper. No doubt, from time to time the Office has sailed very close to the wind in the supply, and in this particular case the demand has exceeded the supply which was prepared. I understand that the Report will be reprinted if there is any general demand for it. Before I go further, I may say, in reference to the increase in the cost of the Papers, that it was found that last year's estimate was £15,000 less than the actual expenditure. Therefore, in the present Vote, we have taken a larger sum, although not a sum equivalent to that increase, because there has been a considerable reduction in prices by which we hope to make the two ends meet. Owing to certain changes which have been made, and the probable saving which will be effected, we have been encouraged to take a sum of £10,000 less than we ought to have taken, having regard to the increase of last year's Estimate. The demands which are sometimes made upon us in consequence of the action of Parliament are difficult to estimate accurately. Let me take the case of the Post Office. In 1883, the cost of supplying the Post Office Department on the average of the two years preceding the introduction of the Parcels Post was £67,000; but the cost of supply in the following year was swollen up to a total of £88,000. Next year it dropped to £78,000, but that sum was nearly £12,000 higher than it was before the introduction of the Parcels Post. Then, again, with regard to the 6*d*. telegrams; in 1885, the year in which they were introduced, the cost of supplying the Telegraph Department rose to £89,000, or £22,000 in excess of the cost before the new 6*d*. telegrams were introduced. Similar changes have affected the cost of supplying to the Patent Office, the Bankruptcy Department, the Ordnance Office, the Revenue Department, and several others. The expenditure has jumped up from time to time in consequence of alterations which have been made in connection with the Department. It is scarcely necessary to remind hon. Members that it is not in the power of the Stationery Office to decide what shall appear in the Blue Books; all they have to do is to print that which is presented to them. In reference to what my right hon. Friend the Member for the Epping Division of Essex (Sir Henry Selwin-Ibbetson) said as to the Blue Books being kept until a demand is made for them, I can assure the Committee that we have done everything to decrease even the number on the short list, and we shall be very glad to carry out that decrease still further. The right hon. Member for the Brightside Division of Sheffield (Mr. Mundella) made some remarks in reference to the reported sale of the Government copyrights. Now, I have no knowledge of any such transaction, and I believe it to be an entire misapprehension. What the Government have done is this—the right hon. Gentleman is perfectly aware that tenders were advertised for in regard to the right of selling certain Government publications; but that does not prevent the Government from exercising all the control it now possesses in regard to printing and publication. There has been no sale of the copyrights of the Government whatever, and there is no restriction imposed, as far as I know, upon anybody who desires to print extracts or summaries of Government publications.

GENERAL SIR GEORGE BALFOUR: The hon. Member has not said whether he is in favour of the appointment of a Committee similar to that which sat in 1873-4 in regard to these questions.

MR. JACKSON: I think the suggestion of the hon. and gallant Member is well worth considering.

GENERAL SIR GEORGE BALFOUR: I may inform the hon. Member that the result of the inquiry of that Committee was to bring about a large decrease in the expenditure.

MR. JACKSON: I think I have now gone through, although, I am afraid, in a very discursive manner, most of the points which have been brought forward in the course of this discussion. I trust that my hon. Friend the Member for Stockport will be satisfied with having brought the matter before the Committee, and I need hardly say, that as far as I am concerned, every suggestion which has been made with a view of reducing the very large charge which is included in this Vote will be carefully considered, I trust that my hon. Friend will now withdraw the Amendment.

MR. JENNINGS: I said, at the outset, that I did not consider that the expenditure involved in this Vote was one which was in the discretion of the Comptroller, or that any blame attached to him in regard to it. I consider that the statement of the Secretary to the Treasury is perfectly satisfactory, and, with the permission of the Committee, I will now withdraw the Amendment.

Motion, by leave, *withdrawn.*

Original Question again proposed.

MR. LABOUCHERE (Northampton): Before I proceed to move the Amendment I have placed on the Paper, I wish to make one remark upon an expression which fell from the hon. Gentleman the

Secretary to the Treasury. The hon. Gentleman told us that the Blue Books, Parliamentary Papers, Reports, and Acts of Parliament are published at less than cost price. Now, I have here, in my hand, the Report of the Civil Service Commission, and I see the price at which it is sold is 1*s.* 3*d.* As this is a matter with which I am practically acquainted, I may inform the hon. Gentleman that the cost of producing this Report is much less than 1*s.* 3*d.* For my own part, I should be delighted to deliver to him 10,000 copies at 6*d.* each, and I can assure him I should make a handsome profit out of the transaction. The cost of publishing a document of this kind is principally the cost of setting up, and is a first cost which does not affect the remainder of the copies. As a general rule, the cost is taken in this way—for 500 copies so much, and so much for all copies beyond 500. [Mr. JACKSON dissented.] Well, all I can say is, that I should be glad to take the contract myself. I have now to move the Amendment which stands in my name on the Paper for the reduction of the Vote by £2,000 in regard to the publication of Parliamentary Debates and Records. The Committee will be aware that, at the present moment, the Parliamentary Debates are printed by Mr. Hansard. I am not complaining, in the least, that they are badly printed; but what I do complain of is that this item is excessive and unnecessary. In times gone by, the newspapers did not report our debates at length. *The Times* and other London daily papers, owing to the exigencies of printing, had to leave off reporting half an hour after midnight, and it was arranged that special reports should be taken by *Hansard's* reporters from half-past 12, and also when the House is in Committee of Supply, or in Committee upon a Bill. With these exceptions, no special reports are taken for *Hansard*, and the entire reports of the debates of the House, distinguishing "the House" from "Committee," are cut out of *The Times* and sent to Members for correction. At present, everything that occurs in "the House," whether it is before half-past 12 or after, is taken from *The Times;* nor does *Hansard* have its own reporters there. The only matters they report are the speeches which are delivered in Committee—such conversations as that which is now going on. The debates having been taken from *The Times*, sent to Members, and returned corrected, are then printed in *Hansard.* Now, it seems to me that the grant to *Hansard* is an entire waste of £5,150. The public are certainly not voracious in regard to the eloquence of this House when it is published. Of late, *The Times* have been republishing weekly a report of the speeches which have been delivered in Parliament during the week. The debates seem to me to be well done, and I think this republication would suffice for all practical purposes if it was taken in by Members and supplied to the library at a price of one guinea per annum. No doubt, it will be said that *The Times* does not report as fully as *Hansard* our proceedings in Committee; but, with all respect for hon. Members, I do very much doubt whether anything beyond what appears in *The Times* is worth to the country £6,000 per annum. It seems to me that the reports in *The Times* are quite adequate to meet every general want. However, if a different opinion prevails, nothing would be more easy than to make an arrangement with *The Times* to take fuller reports than those which appear in the daily paper, and to put a little more into their weekly edition. I do not know why this sum of money has been kept up at this rate, except that it has been for a long time the habit of the House to take the reports of its proceedings from *Hansard.* Now, I do not know what *Hansard* is, whether it is a "Messrs." or a "Mr.," or whether it represents anybody of the name of *Hansard* at all. Moreover, I am not speaking in the interests of *The Times*, but simply in the interests of economy. I think the whole arrangement ought to be altered. We ought to be perfectly contented with *The Times* reports in the weekly form, particularly if supplemented in the way I have suggested. If it is objected that there would not be the same facility of correction that there is in the case of *Hansard*, then I confess that I am against such corrections. I often hear wonderful things fall from the lips of Ministers. I generally make a note at the time, in order to quote it afterwards; but I very frequently fail to find the particular expression I had noted. In the revised report I find the published speech quite different from the spoken speech. Second thoughts are evidently best. Now, if the reports of our debates are to be official reports, let us have them officially reported. I do not understand having one speech delivered here in the House and another put on record and sent out to people in the country. I will not say that a Minister ever says a foolish thing; but very often he says what is not a wise thing, and he thinks it may be made a little better by altering it. It therefore comes to this—that we are paying £5,150 a-year in order that we may have fuller reports of proceedings in Committee than those which appear in *The Times*, and in order that Ministers, and other eminent Gentlemen, should have an opportunity of deluding and misleading the country by correcting their speeches, and sending out to the people speeches entirely different from those actually made in the House. I beg to move the reduction of the Vote by the sum of £2,000.

Motion made, and Question proposed, "That a sum, not exceeding £334,260, be granted for the said Services."—(*Mr. Labouchere.*)

MR. CHILDERS (Edinburgh, S.): I submit to the Committee that the question is somewhat more important than my hon. Friend the Member for Northampton (Mr. Labouchere) appears to think from the notice he has taken of it. What I understand is this—that Mr. Hansard received notice at the beginning of the year that his arrangement with the Government would come to an end at the close of the year, and that the Treasury would meanwhile negotiate with other firms. If that notice is acted upon the series of *Hansard* will cease with the volumes that will be issued for the present year, those volumes being the last of *Hansard* that will ever be published. I wish the Secretary to the Treasury to tell the Committee whether that is the case or not. I believe I am not overstating the present position of the matter—namely, that Mr. Hansard will not continue to issue the usual debates after the end of the Session, or, at any rate, if there is an Autumn Session, after the end of this year. If that is so, I wish to ask the Secretary to the Treasury, what course the Government propose to take? Do they propose to arrange with any other firm for the publication of our debates as they have been published by Mr. Hansard, or are we to have, in any shape, an official publication under the control and responsibility of a Government Department? Now, I am myself very strongly of opinion that it would be objectionable in the last degree to make the publication of the debates of this House an official publication. We have been accustomed to the system of Mr. Hansard, and so far as the correction of speeches is concerned, to which my hon. Friend has jocosely referred, I think that is a matter of comparatively small importance. I cannot altogether agree with what my hon. Friend has said, nor do I think that we can expect that what may happen in the small hours of the morning will not be better given if the speakers are allowed to correct their speeches. But there is another matter which appears to me to be of real importance in regard to the publication of the debates of this House. If the publication is made an official one, for which Government is to be responsible, I venture to predict that it will lead to a great multiplication of Questions at half-past 4 o'clock from Members complaining that their speeches have been misreported. They will assert that instead of having said one thing, they stated another, and Questions will be repeatedly asked whether their embellishments have not been omitted. Government is every year expected to do more and more; but the idea of creating an additional Government Service for the reporting of debates is to my mind about the worst function they could assume, and I hope and believe that the Treasury have not yet come to any such decision. I think, therefore, that it is important that we should hear from the Secretary to the Treasury whether the Government have, at this moment, agreed to any form of publication other than the present. At any rate, we are entitled to know whether the publication is to be an official one, or a service such as Mr. Hansard has supplied under his arrangement with the Government. The House must not be led to suppose that there is no danger of an official publication of the debates. In the hands of the present Secretary to the Treasury, we may be pretty safe; but, at the same time, I cannot forget that official publication is almost the invariable rule abroad where parliamentary government exists. It is the rule in America, the rule in most of our Colonies, the rule in France, in Italy, and wherever there are Assemblies to be compared with our own. Therefore, there are many precedents for it; but I think that this House should set its face against official publication. I do not think we ought to add to the responsibilities of the Government, which are heavy enough, that of having under their charge the delicate question of the accuracy of the reports of the debates. That is the only point on which I think it is necessary to have an answer, and I hope the Secretary to the Treasury will not object to give me the information I desire at once, or as soon as he can, in order that the Committee may know and criticize what it is that the Government have in contemplation.

Mr. T. P. O'CONNOR (Liverpool, Scotland): I think the speech which has just been delivered calls for a counterblast. I trust that we are within a measurable distance of the publication of something like decent reports of the debates of this House. The right hon. Gentleman, with all his experience of Parliamentary tactics, could only meet the objection to our present system of reporting by an admission that every Legislative Assembly in the world that can be compared with the House of Commons does publish an official report, and the right hon. Gentleman failed to show by what process of reasoning he arrives at the conclusion that the House of Commons should differ from every other Assembly in the world. I do not know what the Secretary to the Treasury has done in regard to *Hansard;* but I certainly think that the present arrangement is about as stupid a form of compromise as could possibly be devised. Let me inform the Committee what that arrangement is. All speeches which are made when a Bill is first brought in, unless they are reported in some newspaper, and can be copied by *Hansard;* and all speeches on the second reading are not reported in full, unless they happen to have been reported verbatim in some daily paper. But when we come to the Committee stage, there is not a sneeze that any hon. Member can make that is not taken down and given by the special staff of *Hansard.* As the result of this system, we have this extraordinary anomalous and imbecile state of things. A debate upon the Second Reading of a Bill is given in 10 or 12 pages, although the speeches are of the utmost importance; and then, in Committee, we find 20 pages devoted to the speeches which are made upon the first clause of the same measure. In fact, there is no proportion whatever in the present system; what should be reported in a line is given verbatim, whereas what should have been given verbatim is given in lines. I am not surprised that the Secretary to the Treasury and the Government should desire to put an end to such a system, which is perfectly absurd. I have never, except on one melancholy occasion, revised a single copy of anything that has been sent to me by *Hansard.* It is quite bad enough to make speeches, without having to read them afterwards. Therefore, my speeches go down to posterity uncorrected by me; and I do not hold myself responsible for them. But the speeches made in this House are part of the history of the country, and I am surprised that so experienced a Parliamentarian as the right hon. Gentleman the Member for South Edinburgh (Mr. Childers) should not realize that fact. Let me give an illustration of it. I do not suppose there was ever a speech delivered in this House to which history looked with greater curiosity and interest than the first speech made by the late Lord Beaconsfield. Everybody knows that it was a failure, and that it wound up with one of the most self-confident prophecies soon to be realized, ever made—I mean the passage in which Mr. Disraeli declared that although the House would not listen to him then, the time would come when it would do so. That was in 1837, and since then there have been revolutionary changes in newspaper Parliamentary reporting. In nearly all the popular daily papers we now find the most imperfect reports of Parliamentary proceedings. The newspapers themselves cannot help it. They find that there are a great many things the public care more for than the long speeches delivered here. The only newspaper that attempts to report the speeches at anything like decent length is *The Times.* [An hon. Member: And *The Standard.*] And *The Standard* to some extent. But *The Times* reports are extremely imperfect, because they differentiate—it is very natural that they should—the speeches made by Members of the Front Benches. When a Minister speaks, every word is given; but if my hon. Friend below me the senior Member for Northampton (Mr. Labouchere) makes one of his sparkling speeches, which would not only be read, but keenly devoured by the country, I find that not even *The Daily News* gives one half of it. At the time Mr. Disraeli made the speech to which I have referred, in December, 1837, there were none of the long continental telegrams we have now, and the debates in this House were reported at full length. What was the result? Mr. Disraeli was reported almost in full, and the people for generations, perhaps even for centuries to come, who may desire to read the speech, can do so by going to one of the papers of the period; and my modesty permits me to say that there is even a more ready way of finding the speech. Well, supposing Mr. Disraeli had come into this Parliament for the first time, and had made a maiden speech in 1887 instead of 1837, it would have been crushed into three lines, and the result would have been that future Parliaments and future generations would have no record of the remarks he made upon so memorable an occasion. I do not know what other Members think of the matter; but I regard the history even of the present time as quite as important as the history of the country 10 or 17 centuries ago. Only a few moments ago, we were discussing a Vote for the purpose of publishing MSS. which throw a light upon the condition of affairs in the world some centuries before, or two or three centuries after, the foundation of Christianity. I not only did not begrudge that money, but I brought to bear as much pressure as I was able to upon the Secretary to the Treasury to induce him to increase the grant; because, in my opinion, history, besides the interest which is attached to it, is the signpost, the warning, and the guide with regard to politics, as well as legislation. To my mind, the history of to-day is as important as the history of 10 centuries ago; and I think that if for £5,000, or £10,000, or £20,000 — [An hon. Member: Or £40,000.] Yes, or £40,000, we can secure an accurate report of all the proceedings of this House, the money will be well spent. The money would be well spent in order to preserve to future generations the words used in this House. I might be told that a great deal of rubbish would find its way into the reports; but is not that the case just now? Besides, I should like to know what is rubbish, and what is not rubbish. What a man says to-day when he is below the Gangway may be rubbish so long as he is there; but it becomes sacred gospel when he changes his place to the Treasury Bench. In the debates on the Irish Church Question in 1867—I think it was—I do not think there was a speech delivered which did not contain some reference to Mr. Disrael's utterances with regard to Ireland many years before. The speech in which he referred to Ireland as being alien in race and religion was brought forward over and over again, and I think very properly, and what did Mr. Disraeli say in reply to such references? Why, he said that at the time he made the speech it did not appear to him to excite so much attention—it seemed to him to be pouring water into the sand; but now it would seem as though the water had come from a golden god. But that put my argument into a nutshell—what a man says from any part of this House may become a part of the history, not only of the man himself, but of the country of which he is one of the politicians; and I therefore say, that though trifling and irrelevant observations may sometimes find their way into *Hansard*, I would take the risk of that, and I would say that this country, like every other country, ought to have something like an authentic national record of the proceedings of its Parliament. For these reasons I take an entirely opposite view to that of the right hon. Gentleman who has just spoken; and so long as I am in this House I would urge on the Government the desirability of conforming, in the matter of official reports in this Assembly, with the practice which prevails in every other Assemby of the kind in the world. There is one point in the statement of my hon. Friend to which I would specially allude. I wonder at my hon. Friend (Mr. Labouchere) proposing that *The Times* reports should be taken in this matter. In the first place, I say *The Times* reports—I do not say *The Times* is to blame for it, but from the necessities of the case—make an essential distinction between the speeches of different Members of this House. In the first place, an official Member gets a great deal more space than an unofficial Member; in the second place, an English Member gets a great deal more space than an Irish Member; in the third place, an Irish Member gets a great deal more space than a Scotch Member—["No, no!"]; in the fourth place, a Scotch Member gets a great deal more space than a Welsh Member—[*Renewed cries of* "No, no!"] Well, I will leave Scotland and Wales to fight the question out between themselves; but my experience certainly is that the Irish Members are very unfairly treated in comparison with the manner in which official and unofficial English Members of this House are treated, and that the Scotch and Welsh Members are unfairly treated even as compared with the Irish Members. I say it would be unfair to ask us to take, as an official record, reports which are prepared not on the principle of fairplay between all the Members, but on a system of preference between one Member and another. I will not find fault if the Secretary to the Treasury changes the present arrangement, unless I find that he is going to drive *Hansard* back into the old ruts. If he is doing that I think he is taking a very retrograde step, because many hon. Gentlemen take up *Hansard* I suppose in the innocent belief that they are reading the reports which are taken by the independent staff employed by Mr. Hansard. As a matter of fact, that is not the case. The only part of our proceedings now taken by Mr. Hansard's own reporters are those in Committee—I do not know whether they do not take the Report stage of the Bills; but I rather think they do. The rest of the report is cut from the different newspapers, and if the hon. Gentleman the Secretary to the Treasury withdraws from Mr. Hansard the grant which he has given in previous years, the Committee stage of Bills will be reduced to the same condition as the others, and the reports, instead of being independent reports, will be taken *omnium gatherum* from the newspapers of the country.

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.): When the discussion took place on last year's Vote, I listened with very great interest and attention to what was said, with the view of ascertaining, if I could, what was the general feeling of the Members of the Committee, and I felt then, as I feel now, that the present condition of the arrangements for reporting our debates is not one which is satisfactory to Members of the House. Sir, when I made inquiries as to how the arrangements stood, I found that, although there was some uncertainty as to whether notice was necessary to be given in order to terminate the existing arrangements before any modification of such arrangements could be made, it would only be fair and reasonable that, at any rate, we should err on the side of dealing quite fairly with those who now publish *Hansard's Debates.* Therefore, I caused notice to be given to terminate the agreement. That was the first step which was necessary in order to enable us to act with free hands. There have been no arrangements made with regard to what should take place in the future. I was very anxious to hear what the Committee had to say. As the hon. Member for the Scotland Division of Liverpool has said, there are official reports in most other countries; but I must point out that if an official report is undertaken in this country, I am quite sure that the cost will have to be enormously increased over the sum we now pay. I would go further, and say that I entirely sympathize—speaking my own personal views after inquiries on this question—with what the right hon. Gentleman the Member for South Edinburgh (Mr. Childers) has said, that it would be a most unwise proceeding on the part of the Government to accept the great responsibility of publishing an official report. I think the Committee will also feel—and in this I sympathize with the views expressed by the hon. Gentleman the Member for the Scotland Division of Liverpool—that there ought to be some record of the debates and transactions which take place in this House, and not only in this House, but also in the other House of Parliament. It must be remembered that *Hansard* deals not only with debates in this House, but also with debates in the other House of Parliament. I think it will be the general opinion of the Committee that something will have to be done in order to preserve a record of what takes place in Parliament, and that, therefore, some arrangement will have to be made. Sir, as a question of cost, I believe that in the United States, where an official report is published, the cost is, or was, about £50,000 a-year. [An hon. MEMBER: Not dollars?] No; pounds. I believe there has been some reduction obtained on that of late. I understand that the following countries have official reports of debates:—Austria, France, Germany, Italy, the United States, Victoria, Queensland, and New Zealand. The following have official reports—that is to say, reports published at the public cost, the work being done by contractors—in the other case it is done entirely by a staff, under the control of the Government:—Nova Scotia, New Brunswick, Prince Edward Island, and South Australia. In the following there are reports published by private enterprize, without, apparently, any official authority being attached to them:—Canada, Ontario, Quebec, Manitoba, the Cape of Good Hope, New South Wales, and Tasmania. [Mr. LABOUCHERE: Are these reports in full?] I believe they are full reports; but they are left entirely to private enterprize. Well, there are several alternatives open to us. One is to publish an official report; another is to improve or modify the existing arrangement; and a third would be to make an arrangement with some new firm. I have said that notice was given to Mr. Hansard early, to enable the Government to act. That notice will not take effect until the end of this Session. I need hardly say, with regard to those who are responsible for the publication of *Hansard's Debates*, that publication having gone on from the year 1803 consecutively and continuously, some consideration is due to them when it is proposed to break up an arrangement of that kind. I am sure the Committee will not desire in any sense to treat Mr. Hansard unfairly or unfavourably in the matter. I am not in a position to say what course will be taken; but I have listened to what has been said, and I will endeavour to inform myself still further as to what is most agreeable to the House. My own impression leans to the making of a modified arrangement, because I think there are two points to bear in mind; one is the question of cost, and the other the question of time—so that the reports will be published in good time, so as to be in the hands of Members a little earlier than they have been hitherto. But the position is simply this—that we have given notice, so that our hands are free, and we shall endeavour to make arrangements that will be satisfactory to the House.

MR. J. W. BARCLAY (Forfarshire): I beg to remind the Committee that a Select Committee, under the Presidency of the present Leader of the House, sat to consider the question of Parliamentary reporting in 1878, and made a Report in 1879. Two Reports were submitted, one of which recommended an official report of the same nature as that which at present exists; and for that 10 Members of the Committee voted. Three Members voted for an altogether official report. With regard to cost, when this Select Committee—of which I was a Member—was sitting, an offer was made by a gentleman to do the whole of the reporting of the House—I do not know that it was actually an offer; but his representation was considered of sufficient importance to be printed along with the Report of the Committee. This gentleman, who was the proprietor of a publication issued for some years called *Lords and Commons*, undertook to present 1,200 copies of the debates in both Houses of Parliament to the Members of those Houses, the report to appear twice a-week, for the sum of £3,500. From inquiries I myself made at that time, I came to the conclusion that a much more voluminous report than that supplied by *Hansard* at that time could be had for less than £5,000. Of course, there was a difficulty raised as to the responsibility of an official report; but in answer to that it was pointed out that the Government could not altogether divest itself of responsibility under the existing arrangement, looking at the large sum already paid to Mr. Hansard. I think if the hon. Gentleman the Secretary to the Treasury would consult some of the experienced reporters in this House, he would find it possible to organize a complete system of reporting much more satisfactory than that now adopted, at very little more than, if so much as, the present cost. I quite sympathize with what the hon. Gentleman said with regard to the consideration due to Mr. Hansard, having regard to his having carried on the publication of a report of our debates at a time when no other person was prepared to undertake the responsibility. Doubtless, Mr. Hansard's reports are considered of great value. With regard to the Select Committee which I have referred to, I myself made a draft Report which was supported at that time by a Gentleman of considerable experience in matters relating to reporting; I refer to Mr. Joseph Cowen, who was then Member for Newcastle-upon-Tyne. That Gentleman considered with me that it would be more satisfactory to Members of the House if there were a staff of reporters attached to the House, who would be responsible for reporting the speeches in the House. Such a staff—a most competent one—could be selected amongst the staffs of the newspapers, without the slightest difficulty. I am sure a number of gentlemen could be found who would report the speeches of Members in this House to the satisfaction of everyone. The gentleman who made the offer to which I have referred said he was prepared to undertake the reporting to the satisfaction of the Lord Chancellor and the Speaker of the House of Commons. I trust the hon. Gentleman the Secretary to the Treasury will consider this matter. No doubt, the right hon. Gentleman the Leader of the House (Mr. W. H. Smith) will recollect a great deal of the evidence that was given before the Select Committee. Things have changed very much since then, and probably the cost of getting out a report would be much greater now than it was estimated in those days; but I would point out that probably the development which has taken place in type-writing and other means would enable the reports to be issued much more easily and quickly than formerly.

Dr. CLARK (Caithness): I do not feel very strongly one way or the other regarding an official report; but I do feel very strongly with reference to the present system. I am strongly opposed to its continuance in any shape or form whatever. At the present time you have what is neither an official report nor yet an accurate report, and you spend as much upon it as would probably enable you to give an accurate report. At the present time this Report is simply a speculation on the part of Messrs. Hansard and Co., and the basis upon which they act is this—if they think they can sell a large number of their copies, they give instructions to their reporters to report more fully than they otherwise would do the speeches which are delivered. Latterly, Members of the House have not been in the habit of buying so many copies, and the result has been that *Hansard* has been curtailing its reports. With regard to an official report, I do not think we ought to have one under the control of the Government. The Government would be badgered night after night regarding it; but I think the report could be carried out under the supervision of a Committee—a Committee like the Committee of Selection. You might have a Committee of Reporting, and upon every question coming before that Committee the decision of the Committee should be final and binding. I do not think there would be any objection to such an arrangement as that. There is this great argument in favour of an accurate report of some kind—namely, that just as our constituents have a right to know how we vote, so, to a certain extent, they have a right to know what we say in their names here. I am not very strong on the point as to whether your report ought to be official or otherwise; but I am very strongly opposed to the continuance of incorrect reports. The junior Member for Northampton (Mr. Bradlaugh) said the other day in reply to the noble Lord the Member for South Paddington (Lord Randolph Churchill) that though the *Hansard* report very often is condensed, yet you could not find in it what has not been said. Now, my experience has been the reverse of what I have found in *Hansard*. I have only opened it once this year.

Mr. BRADLAUGH (Northampton): I do not think I went the length the hon. Member attributes to me. What I said was that I could not understand how the process of compression could bring in words which had never been used.

Dr. CLARK: The reporting is so wonderful that sometimes what has not been stated is put down as having been uttered. You get the reports sent to you for revision. For my own part, I pitch them into the waste paper basket, because I will not revise incorrect speeches. The speeches of hon. Members, except those who sit on the Front Benches, are so condensed that one cannot make anything out of them as to accuracy. The cost of this is a very serious matter, and, from the standpoint of expediency and economy, I sympathize very much with the remarks of the senior Member for Northampton (Mr. Labouchere). I think the present system is a very bad one, and if *Hansard* is continued next year we shall do what we did last year, and what we shall have to do in the future—namely, protest against the public money being spent upon an incorrect report sent out by a private firm.

MR. JOHNSTON (Belfast, S.): I think it would be little short of a national calamity if the publication we know as *Hansard* were to be discontinued by this House. It has become so popular that, in the Dominion of Canada, the name has even been adopted for the official reports of the Canadian House of Commons. The hon. Gentleman the Member for Caithness (Dr. Clark) complains of the inaccuracy of the reports; but I would remind him that hon. Members themselves are very often to blame for many of these inaccuracies. The reports of their speeches are sent to Members for revision, and Members sometimes desire to substitute for the reports so sent to them speeches which they have not made. For myself, my complaint would be not that the reports are inaccurate and too much condensed, but that matter of trivial importance—some speeches in Committee—are given at undue length. The Irish Members get a full share of the reports. I do not, so far as I am concerned, throw into the waste paper basket reports which are courteously sent me for revision; but I endeavour to make them as accurate as possible. Hon. Members from Ireland get at least their due share of reports—three-fourths of the speeches reported being theirs. I trust that, before coming to a decision and discontinuing the valuable reports supplied by Mr. Hansard, the Government will give this matter the most careful consideration.

COLONEL SANDYS (Lancashire, S.W., Bootle): I do not often trouble the House with my opinion; this is the first time, indeed, that I have spoken in these debates. I must say, however, that though I do not very often agree with the hon. Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor), having heard his speech on this occasion I can thoroughly endorse what he said. I frequently—in fact, I may say almost always—agree with the hon. Gentleman the Secretary to the Treasury; but on this occasion, as I understand his speech, I cannot quite agree with him. I understand him to say that he contemplates—I hope he will forgive me if I am misquoting him —the possibility of handing over the reporting of speeches in this House to some unofficial source—probably to a newspaper firm. Now, I must say that that is a course I strongly oppose. I should not like the reporting of speeches in this House to be placed in the hands of any newspaper—no matter how eminent—over whom the House has no authority whatever; and I should deprecate the placing of the official reporting of the speeches of Members of this House in the hands of any newspaper staff whatever. There are influences brought to bear on the reporting staff and the newspapers of this country which, under certain easily conceivable circumstances, would be adverse to the interests of the country; and I hope that the reporting of the proceedings of this House will be full, and, above all things, correct, whatever the circumstances may be. I would advocate that there should be an official report of the speeches of Members of this House kept for reference—a report which shall be correct in all respects, and which should be under the control of a Committee formed from all sections of this House. I endorse the opinion of the hon. Member who spoke last, that it would be little short of a national calamity if *Hansard*, which has recorded the speeches of so many Members of this House, were done away with to make way for a newspaper report as the official record of the speeches delivered in this House.

MR. LABOUCHERE: The system that has been pursued up to now is precisely the system which, according to the hon. Member for South Belfast (Mr. Johnston), will bring the country to ruin. There is no official report at the present moment—*Hansard* is practically unofficial. *Hansard* is a publishing firm. The reports are now in the hands of newspapers, because *Hansard* takes his reports from *The Times*. The Secretary to the Treasury made an important statement to-night. He said he had given notice to *Hansard*, and intended to make some fresh arrangement next year. He was anxious to hear what were the views of the Committee upon the point. Now, the Committee is not very full at the present moment, and I do not think the hon. Gentleman will acquire the full views of the Committee from the speeches made this evening. I hope the hon. Gentleman will place the matter in the hands of some Committee to look thoroughly into it before we bind ourselves to any further arrangement. I agree with my right hon. Friend the Member for South Edinburgh (Mr. Childers)—I think it would be a very great mistake to have an official report. We have been told that we ought to have such a report for the use of future generations. Now, I think future generations will care uncommonly little about what we are saying at the present time. Future generations will not care to look back at our debates, and I think that even if they do we ought not to minister to their folly. The hon. Gentleman the Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor) thinks it is really desirable that there should be an official report, and he actually quoted the figure of £40,000 a-year as the sum we ought to spend in order to make a complete historical record of our debates. The hon. Gentleman said that it would be worth while spending this £40,000, and he pointed out that if we had spent this sum for a considerable number of years past we should be able to turn to the first speech of Mr. Disraeli. We know what Mr. Disraeli said at the end of his speech—namely, that the House would hear him some day. That was the only interesting part of Mr. Disraeli's speech. Probably the House was exceedingly wise in not listening to the speech, and probably, if we knew what he said, we should not pay much attention to it. Now, you have in America a *Congressional Record*, and what is the result? The debates are not reported in other newspapers, and nobody reads *The Congressional Record*. The person would be looked upon as a lunatic who sat down to his *Congressional Record*, which is only published to gratify the stupid and silly vanity of the Members of Congress themselves. Let us quite understand what happens. Let us suppose that a Gentleman has spoken for five minutes, and nobody has been listening to his speech, he may move that the rest of his speech be taken as spoken and printed in *The Congressional Record*. If we could introduce some such system here, I should be rather inclined to vote in favour of a *Congressional Record*; but what I want to point out particularly is, that the public do not take an interest in this official record, but are satisfied with the reports they get in the newspapers. As a rule, a quick speaker speaks a column in 15 minutes, so that a Sitting of 10 hours' duration will yield about 40 columns of speeches. The fact is that the newspapers take a practical view of this matter; they know pretty well what the public want, and they give the public what they want. It has been complained that official speeches are published at greater length than the speeches of independent Members. It is only natural that such should be the case. A Minister speaks as a Representative of the entire Government; and it is more desirable, from the point of view of the public, that his speech should be reported than that the eloquence, which may be greater, of hon. Gentlemen below the Gangway should be recorded. A newspaper is always having complaints from some persons that it does not report sufficiently lengthily. Constituents like to see reports of the speeches of their Members. [An hon. MEMBER: Not all.] Not all; but some do. No doubt, a Member always likes to see himself reported as lengthily as possible; but the general public do not, and if a newspaper were to give all speeches, it would be found that there would be a very vast amount of repetition. I think we owe a great debt of gratitude to the reporters for not reporting us fully, for what would the public say of us if they did? They would see we stammer and stutter; that we very often use the wrong word instead of the right word; that we frequently do not finish our phrases; and that our phrases are very rarely grammatical. I wish hon. Gentlemen could see a few speeches reported verbatim; I wish gentlemen in the Gallery would report a few speeches verbatim, in order to convince hon. Gentlemen of the miserable figures they cut when their words are taken down verbatim. As I have said, I trust we shall have a Committee to look into this subject. I will not prejudge the decision of the Committee; but I do believe a Committee will be opposed to any official record. I look upon *Hansard* as a kind of middleman. Subscribe to some sort of record—*The Times,* if you like, or any record which is considered sufficiently full—but, in the name of goodness, I do hope we shall not have verbatim reports, and that we shall have no official record. The Amendment I have proposed has done what I wanted—namely, concentrated the discussion a little on this point; and, therefore, with the permission of the Committee, I beg to withdraw it.

Mr. JACKSON: The hon. Gentleman has really expressed much better than I can my views. We consider that some Committee should be appointed to consider the subject before a final decision is arrived at.

Mr. T. P. O'CONNOR: I understand that no final arrangement will be made until a Committee has been appointed and reported. Now, I only wish to make one observation. My hon. Friend (Mr. Labouchere) is mistaken in supposing I said I was willing to spend £40,000 a-year upon an official report. An official report would not cost £40,000 a-year, or anything like it. If the hon. Gentleman would seriously consider the question, he would find that he could get the work done for £10,000 a-year at the very most.

Mr. SINCLAIR (Falkirk, &c.): I have a practical question to ask—namely, when it is proposed this Committee shall sit? We are approaching the end of the Session, and, of course, there is no time now to consider the subject. If the Committee is not to sit until next Session, the present arrangement must continue for some time longer.

Mr. JACKSON: I think I had better say at once that I do not propose to appoint a Select Committee in the ordinary sense of the word; but what I propose to do is to ask certain Members of the House to form a Committee to assist the Department in coming to some decision as to what the arrangement should be in the future. Some difficulty exists in the matter. In all probability a Select Committee could not report before the end of the Session, while it is very necessary that before the commencement of next Session we should make some arrangement or other.

Motion, by leave, *withdrawn.*

Original Question again proposed.

Mr. T. P. GILL (Louth, S.): I wish that we should receive some statement from the hon. Gentleman the Secretary to the Treasury (Mr. Jackson) as to the working of the Commission on the Brehon Laws. I find that instead of there being a saving of £200 there is a second £200 put down, and we are anxious to know what is being done for the money. The hon. and gallant Gentleman the Parliamentary Under Secretary to the Lord Lieutenant (Colonel King-Harman) informed me recently, in reply to a Question, that the translation of these laws is being conducted by Professor Atkinson, in Dublin. Now, the proceedings of the Brehon Laws Commission in the discharge of work which, I venture to think, is one of the most important literary, archæological, and historical enterprizes which has ever been undertaken by any of the historical societies in Ireland, are simply scandalous—the money which is spent on the Commission at the present time is simply wasted. This Commission was first appointed in the year 1857, and it employed for the purpose of translating these laws, upon the importance of which I will not dwell, two very well-known Celtic scholars, perhaps the most celebrated Celtic scholars who have lived in Ireland during the century—namely, Dr. O'Donovan and Professor O'Curry. The system under which these scholars were set to work was such as deserves the utmost condemnation, for it has hindered and marred, to a great extent, the efficacy of the work they undertook. They were paid by the day; 10*s.* a-day was paid to each of the two finest Celtic scholars in Europe, and for every day they did not attend at the office in Trinity College a day's pay was stopped. They did not take vacations lest their pay should be stopped. The consequence was that both of them died early. As is, unfortunately, often the case with eminent literary men, these gentlemen were needy. They had large families, and having to work in this fashion, not being able to take a day's rest for fear that a day's pay would be stopped from their stipends, both of them died at an early age, and before their work was finished. The work began at the latter end of 1857, or the beginning of 1858. Dr. O'Donovan died in 1861, and Professor O'Curry died a year afterwards. These gentlemen were killed by the system. From the day Professor O'Curry died to the present moment, there has never been, as a matter of actual fact, one line of these laws genuinely translated. This most important subject, which requires a specialist of such skill, of such rare knowledge and rare accomplishments as these two men possessed to deal with it, has actually been in abeyance since the death of these gentlemen; and the volumes of the laws which had been published—the last was published in 1879, 18 years after the death of Professor O'Curry, and 19 years after the death of Dr. O'Donovan—are simply compilations consisting of the work of these two gentlemen. As I have said, this Commission has been re-organized. I am inclined to believe it was not re organized until one evening last year. I and some of my hon. Friends put a Question to the hon. Gentleman the Secretary to the Treasury concerning these laws, because until that time since the publication of the last Report the question had never been raised in the House. Before the Commission was re-organized it had actually ceased to exist, and yet was drawing money from this House. The Commissioners had died off one by one, and only one member of the original Commission, Dr. Graves, was living. As I have said, the translation of these laws is of the greatest archæological and historical value and importance. Anybody who knows anything about these laws knows that they are studied by scholars all over Europe, because they are capable of throwing most valuable light upon the jurisprudence in general, and upon the history of the Constitutional development of the Irish people. The laws existed before Christianity was introduced into Ireland, and were codified and re-edited when St. Patrick came to the country.

Mr. AIRD (Paddington, N.): Mr. Courtney, I rise to Order. I desire to know from you, Sir, whether the hon. Gentleman is speaking to the point?

The CHAIRMAN: Mr. Gill.

Mr. T. P. GILL: The translation of these laws and their publication is a work in which scholars and men who take interest in such matters all over Europe are most deeply interested. The constitution of the Commission, with, perhaps, the exception of two gentlemen, is perfectly absurd. Lord Ashbourne is Chairman of the Commission, the Bishop of Limerick is another Member; he is one of those who, we may say, are really qualified to act upon the Commission; he was a member of the last Commission, and he is a well-known Irish scholar. Then there is Mr. Porter, the Master of the Rolls, what zeal or qualification he has for such work I do not know, neither do I know what qualification Judge William O'Brien has for such work, and so on. Perhaps Professor Ingham is another of those who may be considered as qualified for such a task; but the reconstitution of the Commission, as a whole, is absurd. As a most convincing and conclusive proof of that, we have only to consider that the gentleman in whose hands the Commission have placed the translation of these laws is Professor Atkinson, a gentleman who is assailed and jeered at by every man in Ireland who has any knowledge of Celtic literature. Professor Stokes, one of the best known Celtic scholars in the world, referring to Professor Atkinson in an article recently published in *The Academy*, a very well-known literary newspaper, says that Professor Atkinson is thoroughly incompetent to deal with the subject with which he has been entrusted; that he is incapable of correctly speaking, writing, transcribing, or translating three consecutive sentences of any Celtic tongue; unable to decline a common Celtic noun, or conjugate a common Celtic verb. I do not think there has ever been an instance in which failure, and incompetency, and waste has been so singularly exhibited as in the whole of the proceedings of this great Law Commission for the past 30 years. They have produced four volumes which do not contain the work of any scholar except that of the two scholars who died, the last in 1861. £200 is set down in the Stationery Vote in respect of this work. I ask the hon. Gentleman (Mr. Jackson) to take some steps by which the present state of affairs may be put an end to, to take the work out of the hands of this incompetent gentleman, who has a great many qualifications as regards other languages, but who in regard to the Celtic language in which these laws are written has no qualification whatever, as the evidence of all scholars who know anything about the subject goes to show. I ask the hon. Gentleman to take the work out of Professor Atkinson's hands, and to re-organize the Commission—to appoint men who do know something about the subject, and who have a certain amount of enthusiasm for Irish historical matter. I trust the hon. Gentleman will place upon the Commission active Celtic scholars, of whom there are many in Ireland, and even those men from France and Germany who take an interest in the translation of these laws.

Mr. DILLON (Mayo, E.): I quite agree with my hon. Friend (Mr. T. P. Gill) that the translation of these laws is a matter of the very greatest importance. The code of ancient laws contained in these manuscripts is acknowledged to be one of the most remarkable in the civilized ancient world. The original manuscripts from which these volumes have been prepared were given to Trinity College by Edmund Burke so long ago as 1790, with a request that some time or other the College authorities would have them translated. At that time no man living could understand the language in which the laws were written; no Irish scholar could translate the language. About 30 years ago there did arise in Ireland two men who, for the first time in modern history, were able to comprehend this ancient Irish text, and a Commission was then issued for the purpose of arranging for the translation of these manuscripts into the English tongue. My hon. Friend the Member for South Louth has described the way in which these two men were treated. There is no use, however, in going back on that now, but I say the same system prevails to-day. Nothing could be more monstrous or outrageous than to see ordinary common clerks in the Record Office at Dublin, men of no attainments beyond that of ordinary civil servants, drawing £500 a-year, and men of attainments absolutely unique, labouring 12 hours a day, doing work which no other man who had lived for 100 years could do, or any man living in Europe could do, obtaining the princely reward of 10*s.* a-day, a reward which was denied to them if upon any day they failed to attend to their work. The system is a disgrace to the people who employed them. These men passed away, and they left behind them a monument of patient labour which has not been surpassed in similar work in any country in the world. They left behind them a complete transcript of the whole of these ancient laws, gathered together from the Bodleian, the British Museum, Trinity College, and other Colleges. They left also a complete translation so far as they could translate the text into the English language; but considerable passages were omitted because they were not able to be certain of them. Men, however, who know nothing of the Irish language in comparison with Dr. O'Donovan and Professor O'Curry have undertaken to translate passages which were left blank. It may be asked what do we want the Government to do? There is but one course left for the Government to take up, and that is to move the work of translating these manuscripts from the hands of men who who are about as capable of doing it as I am—to publish the work of these two Professors to whom I have referred, every word of which is worth its weight in gold. I would urge the Government to do this, and not to go on spending money recklessly, without voting money which would simply be wasted. I maintain that every word that these two Professors have written will commend itself to scholars. Scholars well know when they take the work of these two men into their hands that they have got the truth. There may be defects in their work, but the defects will not be absolute inaccuracies. Every single line they wrote is of great value; in their work you are certain of accuracy; and I would, therefore, ask the Government to break up the present Commission, and to give orders to some intelligent man to ascertain whether the documents as prepared by Professors O'Donovan and O'Curry cannot be given to the world. If that were done, I say the publication would be one of immense value. What scholars desire to know is, if they cannot be certain that they have got the whole truth, at any rate, that they have not got the truth mixed up with falsehood in inextricable confusion. Let some intelligent man examine the documents and see if they are not in such a shape as they can be given to the world. If that is done the publication will be one of great value to the scientific world. There is no doubt, in my opinion, that the money the Government is at present spending upon this publication can be better employed. The Commission who had the task in hand undertook to carry it on after the death of those who had commenced it. That Commission, however, was mainly composed of men who had no knowledge of the subject, and as time went on the difficulties which beset them in the matter accumulated enormously. They would not, owing to reasons which I will not enter into, put the work into the hands of the next best men, who were the most capable men in Ireland of performing it. They confined the work and the money that was to be made out of it to a narrow clique in Ireland. Of course, they could not get the work done at all, under these circumstances in a decent and respectable way. They employed Dr. Hancock—a man who had no knowledge of the Irish language whatever, although he was, no doubt, very learned in other matters. Then they employed Dr. Mitchell, a person also deficient in knowledge of the Irish language. They then got a certain Professor O'Mahoney, of Trinity College, to assist them. This gentleman, no doubt, did know Irish; but I do not think his knowledge was of a very complete kind. Some years ago Dr. O'Mahoney died, and most of the Commissioners died, and the work remained in a state of torpor, no one seeming to take any interest in it. Some years ago the Commission transferred the entire stock of original translations into the hands of Dr. Atkinson, a man who is a Professor, and who had no more knowledge of the Irish language than any Gentleman in this House. He applied himself to the study of that language a few years ago, and I believe has acquired a superficial knowledge of it. But I think that for such a man to be entrusted with the work of translation of these manuscripts—a work which has defied the most learned men of our country for centuries—is absurd on the face of it. It is perfectly ridiculous that such a gentleman as this should be entrusted with the work which has occupied the attention of the greatest Irish scholars, and has only yielded up its secrets to men of the type of Dr. O'Donovan and Dr. O'Curry. What I object to in this matter is not alone the waste of money which occurs, because the amount is not very extravagant. My complaint is not alone that the money is absolutely thrown away, but that we are to have given to the world a publication of this great body of laws, which are of enormous importance from the point of view of the study of Irish antiquities, where absolute accuracy is of the greatest importance, and that we should have to depend entirely for accuracy and truthful translation upon such a person as Dr. Atkinson — a man who has the audacity to say that he makes such alterations in Dr. O'Donovan's translations as, it is reasonable to infer, Dr. O'Donovan, if he had been alive, would be inclined to make himself. Did anyone ever hear of such audacity on the part of a man who was not fit to tie the latchet of Dr. O'Donovan's shoe? Then he goes on at a later period to explain the system upon which he intends to carry on all the rest of this work. He points out that he is actually at present engaged in turning to account all the materials which have been accumulated by his predecessors. He says he is engaged in translating, in supplying omissions, and in correcting the errors which cannot but be regarded as blemishes. Well, these books it seems are to be published, and no one is to know what are the corrected errors and the supplied omissions of this Professor Atkinson—the errors being those of Dr. O'Donovan, and the work in which the omissions are supplied being also that of that eminent Professor. You might just as well put into that man's hands the original text of Homer, ask him to correct according to his own ideas of rhythm and sense, and to publish it to the world as the true work of Homer, in which only such corrections have been made as it was reasonable to infer that Homer himself would have made if he had been alive. Such a course of action I look upon not merely as a gross scandal and waste of time and money, but as something far worse, and I think that if the Government cannot see their way to do what I suggest they should stop this work altogether. Let the work die out—let these books be locked up in one of the safes of the Irish Academy—we should then be spared the publication of books which profess to give that which they do not give, and which in the end will be found out to be impostures, and only valuable as waste paper. The man who has undertaken this great work is not even conversant with dialects of the modern Irish, or with any of its ancient dialects. I fail to see how it is possible for any work dealing with the antiquities of Ireland to be so feeble as a work carried on in the way I describe. Three volumes of these manuscripts are well known in Irish history, and are said to have been written by St. Patrick. I do not believe that there exists a body of ancient laws so valuable as this book *Seanchus Mor*, which is well known in authentic history to have been composed by St. Patrick when he took the laws of the ancient Kings of Ireland and compared them with the Gospels. Those laws have descended in ancient manuscripts of such a character as to lead one to believe that they were undoubtedly laid down in the fifth century. One of the books is even more ancient, and was written by one of the great Kings of Ulster who retired to the Island of Achill, and engaged himself in this task. The value of the translations is absolutely and entirely dependent on the trust you can repose in the scholarly accuracy and knowledge of the translators. When you introduce the element of ignorance into the translations you destroy the whole value of the book, because in certain difficult passages, where a man takes upon himself to alter the translation of a scholar more eminent than himself and better acquainted with the subject, it is very reasonable to suppose that the inaccuracy is likely to be on his part. If a scholar were able to say "every word in this book bears the sanction of such men as O'Donovan and O'Curry," he would know that the work was to be relied upon as having the sanction of the greatest scholarship Ireland was able to produce; but when the work is "corrected" and added to by a man who has no scholarly qualifications for the work he has undertaken, the whole work must become entirely valueless. The student never can know where the translation is to be relied upon—he will always be at a loss to know whether he has the authority of the scholar, or whether he is simply under the guidance of the ignorant person who "corrects" the scholar. I would, in conclusion, urge the Government to do what I suggest, and to give us some assurance that either the original transcriptions and translations will be published in the form in which they left the hands of the great scholars I have alluded to, or else that the work will be suspended altogether.

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.): I will not pretend to follow the two hon. Gentlemen who have discussed this question of the translation of the Brehon Laws; but I think everyone who has listened to these Gentlemen, particularly to the hon. Gentleman for East Mayo (Mr. Dillon), must feel that there is a great deal of force in what has been said as to the desirability of getting, at all events, an accurate publication of this work in the form in which it left the hands of the great scholars who have been referred to. All I can say is that I will, without delay draw attention to the subject of this Commission as it exists at the present time, and of the views of hon. Members who have given so much attention to the matter. Hon. Members could hardly expect me to promise more than that. I am quite sure that the views they have expressed will be received by the Commission with respect, and will have that importance attached to them which they deserve. I promised, in answer to representations which were made to me last year, to consider this subject, and it was in performance of that promise, owing to representations of hon. Gentlemen, that I made the allowance in respect of this Vote.

MR. DILLON: I thank the hon. Gentleman for his statement.

Original Question put, and *agreed to.*

(10.) Motion made, and Question proposed,

"That a sum, not exceeding £13,761, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Office of Her Majesty's Woods, Forests, and Land Revenues, and of the Office of the Land Revenue Records and Inrolments."

DR. CLARK (Caithness): There are one or two items in this Report of the Woods and Forests Department which I should like to press upon the attention of the Treasury, with the view of putting a stop to the further sale of Crown rights either to piers, salmon fishings, or mussel fishings. In the Report for the present year I find that the Crown have been selling to proprietors the rights of ployed. The Commission who had the task in hand undertook to carry it on after the death of those who had commenced it. That Commission, however, was mainly composed of men who had no knowledge of the subject, and as time went on the difficulties which beset them in the matter accumulated enormously. They would not, owing to reasons which I will not enter into, put the work into the hands of the next best men, who were the most capable men in Ireland of performing it. They confined the work and the money that was to be made out of it to a narrow clique in Ireland. 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DR. CLARK (Caithness): There are one or two items in this Report of the Woods and Forests Department which I should like to press upon the attention of the Treasury, with the view of putting a stop to the further sale of Crown rights either to piers, salmon fishings, or mussel fishings. In the Report for the present year I find that the Crown have been selling to proprietors the rights of fishing at two or three years' purchase, and that they are selling piers and mussel beds which are very much required by the fishermen at preposterously low prices, and there is very little doubt that before long they will have to buy them back again at ten thousand times the price paid. The fact is, these rights are being frittered away by the Woods and Forests Department. If they wish to sell these rights, let them sell at something more like a fair price, and something more like the amount for which they would be likely to get them back again if they desired to re-purchase. Do the Government think it fair to sell these valuable rights for two or three years' purchase? I see they have been selling pier rights down at Tighnabruach, in the Firth of Clyde, and in Argyllshire. In one case a man has purchased the rights for a merely nominal sum, although probably the proprietor would ask £20,000 for the pier if he came to sell it. Some of the Perthshire salmon fishings have been sold at ridiculous prices. All these sales of Crown rights, indeed, which have taken place, have been at preposterous prices. The sale of mussel beds to adjacent owners has led, and will lead, to disturbances amongst the fishermen. I desire to impress upon the Government the desirability of buying back the mussel beds they have sold, so that the fishermen may not have to go to Ireland for their bait.

Mr. JACKSON: I did not quite clearly follow what the hon. Member was referring to when he commenced speaking about these sales. I know that there have been several questions brought before the Treasury from time to time with regard to the sale of certain fishings in Scotland, and the hon. Gentleman opposite will probably know that the matter has been made the subject of a Question in this House, the allegation being that these rights have been sold for less than would have been received for them if they had been put up to auction. I have gone into the question, and I think it is quite clear that there are certain rights and responsibilities attached to certain portions of a river which it is necessary to consider. It has been the custom to sell, with the right to re-purchase, to those who own property along the shore, and it may have been very possible that, in some instances, more might have been obtained from other persons than was received from the riparian owners to whom the sales were made; but probably if such sales had been made the result would have been to damage the fishings over the whole stream, and to cause more harm than good. I have no information to give the hon. Member as to the sale of the mussel beds.

Mr. JOHNSTON (Belfast, S.): I can corroborate what the hon. Member for Caithness says about the Scotch fishermen going to Ireland for mussels for bait. The Irish fishermen are very loudly complaining of these mussels being taken away, and I know that the question is causing considerable irritation.

Mr. J. W. BARCLAY (Forfarshire): I think the Secretary to the Treasury might give us some pledge that no more of the fishings which are still held by the Crown in Scotland will be allowed to go into the hands of private proprietors. Within the last year or two these exclusive rights in certain lochs in Scotland have been sold at a merely nominal figure to adjacent proprietors. Well, a strong feeling exists in Scotland on the question of fishing. The public think they ought to have the right of fishing with rod and line in the larger streams of the country, and in the larger lochs; but the Commissioners of Woods and Forests, by their action in making the fishings the exclusive property of private individuals, have prevented this. The sums the Commissioners have received for those fishings are so small that they are not worth the trouble the Treasury are taking in the matter. In any case, if they wish to make money out of these Crown rights, they should only give them on lease for a temporary period, and that only after advertising to the public generally that they are prepared to do so. I am sure that by this means they could get more money into the Treasury, and give the public much more satisfaction. There is no doubt as to what the Secretary to the Treasury says. No doubt these rights are sold under a certain contract with the purchasers; but I would not recommend the Crown in every case to go into a Court of Law to establish their title. If the hon. Gentleman will only give the public a chance I have no doubt you will find associations and bodies amongst the public—particularly amongst the rod and line fishing associations—who will very readily endeavour to vindicate the rights of the Crown as against the private owners. In the case of the mussel beds, a very great grievance is felt by the Scotch fishermen. They do not think they ought to be sold——

MR. JACKSON: I am informed that no mussel beds have been sold.

DR. CLARK: I would call the attention of the hon. Gentleman to the Report of Her Majesty's Commissioners for Woods and Forests. He will find there statements made to the effect that mussel beds have been sold in the Moray Firth. I believe they were sold for 14 years for £10.

MR. JACKSON: I understand that there has been only one sale of the kind during the past 14 years.

MR. ESSLEMONT (Aberdeen, E.): Such sales are constantly taking place in Aberdeenshire.

MR. J. W. BARCLAY: The Government, I believe, are considering the question of putting a stop to the sale of mussel beds to private individuals instead of to fishermen. If the Government have the power to do so, I trust they will intervene, so that fishermen may have the first claim upon the mussel beds. The riparian proprietor simply wants them for the purpose of making money out of them. The fishermen want them not merely for the purpose of making money out of them, but for obtaining bait to enable them to carry on their industry. In one case with which I am acquainted these mussel beds have been laid hold of by a proprietor, and considerable doubts exist as to whether he had any right to them. The fact of the matter is that the fishermen have to pay very large sums annually for the mussel beds they use, upon which beds the proprietors have never made the smallest expenditure so far as can be ascertained. The riparian owners, wherever they can, seize upon these mussel beds, finding them to be of value, and make the fishermen pay for the mussels. Another question has been raised with regard to certain fishing rights, and I am sorry that the Secretary to the Board of Trade is not in his place in order that he may have an opportunity of learning what are the views of the fishermen of Scotland upon this subject. I trust, however, that the Secretary to the Treasury will transmit to the Secretary to the Board of Trade the expression of opinion which has been delivered here to-day. I trust the hon. Gentleman will learn that the fishermen of Scotland feel very strongly on this subject. I trust that we shall have an assurance from the Board of Trade that the possession of these mussel beds will be transferred from the adjacent proprietors, who only hold them for the purpose of making money out of them, to the fishermen, who will make use of them for the development of their industry and for the general advantage of the public. It is desirable in the interests of all parties that the fishermen should be enabled to obtain their bait at something like a fair cost. I trust the hon. Gentleman the Secretary to the Treasury will be prepared to say that he will not allow the public rights to fishings in Scotland, whatever they may be, to be sold to private proprietors to the exclusion of the fishermen. At any rate, if these rights are sold by the Commissioners of Woods and Forests they should be put up to public auction.

MR. JACKSON: I certainly sympathize, more or less, with the hon. Gentleman who has just spoken. My own impression is that in the only cases, at any rate in recent times, which have come before me in which these rights have been sold, the sales have taken place not so much on account of the money which has been realized as with the object of giving to the adjacent owners or proprietors a greater interest in and encouragement to the protection of the fishings. ["No, no!"] Hon. Gentlemen say "No, no;" but I know that this is so in certain cases, the particulars of which I have ascertained by careful inquiry. The motives which I have explained are clearly those which have actuated the Commissioners of Woods and Forests in dealing with this question. [An hon. MEMBER: In what case?] In the case brought forward by the hon. Member who sits on the other side—a case in which a fishing had been sold. Some angling club made a complaint about the sale of the fishing—complained that they had not been allowed to compete for the purchase of it. It seems to me that, on the whole, it was the best course they could have adopted. I will take care the Board of

Trade is informed of what has been said about these mussel beds.

General Sir GEORGE BALFOUR (Kincardine) said, that in his county the salmon fishing rights had been rented by the Woods and Forests Department to the very persons who ought not to have them. Instead of being managed by these renters, these rights were sub-let to others at a considerable profit. In Kincardineshire the sea salmon fisheries were the highest in value of any other county; but no benefit resulted to the people from this profitable income to the Department. The Fishery Board ought to have the control of all sea fishings.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. CALDWELL (Glasgow, St. Rollox): I rise for the purpose of calling the attention of the Secretary to the Treasury to the very strong feeling which the people of Scotland entertain regarding the rights of the Crown in Scotland to foreshore and other fishings. The people feel that these rights are for the enjoyment of the public, and that they ought to be handed down from generation to generation as public rights. There is no reason why one generation should convert these Crown rights into money. At present you are confiscating the rights of your successors. There is a strong feeling, too, that the rights which have been already granted ought to be curtailed. In 1885 a piece of the foreshore was sold for £1 to a private individual, for the purpose of erecting a pier in the Kyles of Bute. I am not here for the purpose of disputing that the Crown ought to exact anything more than a nominal figure for the site of a pier; but I am here to maintain that in a matter of this kind the grant should only continue as long as the pier is used for public purposes. In the case in question the pier has ceased to be used as a public pier. Then, again, some of the salmon fishings have been sold for merely nominal sums. For instance, there were fishings on the Blackadder which had been sold for £10 and £15. I think it is a fair principle to lay down that no Crown rights should be sold. These rights may be leased for a reasonable period, and when they are leased the Crown should do what the Corporations of Glasgow and elsewhere do under similar circumstances—namely, put up the property to public sale. If the Crown is prepared to make a lease of either foreshore or a salmon fishing, the matter ought certainly to be publicly advertised—a proceeding which the Corporation of Glasgow, having regard to the feeling of the people, find it necessary to adopt. In no case should a lease be granted for more than five years.

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities): I can give my personal assurance that no member of the public would have given £10 for the fishing at Blanerne, and that no sane man who is not connected with the neighbourhood would have given £15 for the other fishing referred to. It is up in the wilds, and no salmon are ever seen, except after a heavy spate, when one or two fish may run up. Certainly there have not been 10 salmon caught there in 20 years. It is said the gentleman who owns the property ought only to get a lease for 10 or 20 years. Men will not take such leases, and they are quite entitled, without leases, to prevent people fishing. [An hon. Member: That is not the question.] There is no law in Scotland by which the public can claim the right of fishing on the rivers, nor is there any case in which the proprietor has a right of salmon fishing, except by title from the Crown or through prescriptive right. I have never heard of a case in Scotland in which the proprietor of lands, having water running through them, has not with the lands the right of fishing and the right to prevent anybody else fishing. But that gives the proprietor no right to the salmon fishings, and no one can fish there unless they have a right from the Crown.

Mr. CALDWELL: My contention is that Crown rights either to foreshores or salmon fishings ought never to be parted with at all. There is no doubt that if a landowner has a Crown grant by prescription, that includes the right to salmon fishing. But it is equally clear that the House has power to change the law. There is no doubt that the law brought in by the landowning class, who were then the governing class, allowed Crown grants to become the property of the landlords by mere prescription. That is a state of matters which ought to be altered, and there is no reason why next

Session there should not be a Bill introduced to the effect that all rights acquired by mere prescription should cease.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I desire to bear emphatic testimony to the strong feeling there is in Scotland upon the mussel bed and foreshore questions. As to the foreshores, the Commissioners of Woods and Forests are simply incorrigible. Crown rights are invariably managed to the disadvantage of the public. In the case of the Epping Forest, the Commissioners of Woods and Forests disposed of the hunting rights, which were of immense value to the public, for a merely nominal money value. It it had not been for the Corporation of London these rights would have been hopelessly lost to the public. It may be perfectly true, as the Lord Advocate says, that from a marketable point of view the fishing rights upon a particular river may not be worth £10; but from the point of view of the enjoyment of the general public these rights are of immense value. They are public rights, and ought not to be parted with. The Lord Advocate has not alluded to the valuable salmon fishings. I should be much surprised if he were to say that the salmon fishings at the mouth of the Erne and Tay are not worth a great deal more than £100, for which sum they have been parted with to landlords. I do not want to enter into details; but I maintain that the rights of the Crown as administered by the Commissioners of Woods and Forests are not private rights; they are public rights, which convey great privileges to the public, and as such should not be disposed of. The mussel beds are invaluable to the fishermen; and, therefore, every effort should be made to preserve them. In reference to the Lord Advocate's statement of law, I should like to say I own a very excellent fishing river. My father and myself were advised to keep the public out. I did not desire to contest the point. Certainly the public were thoroughly convinced they had a right, and I, as the proprietor, did not dare to stop them if I had wished to do so. These rights are indisputable. The public feeling and sentiment in Scotland is very strong that there are certain public rights in the property.

MR. ANDERSON (Elgin and Nairn): I do not think hon. Members have the faintest idea of the extent to which the rights of the public in Scotland, in respect to the mussel beds and salmon fishings, have been confiscated by the landed proprietors. I particularly invite the attention of the First Lord of the Treasury (Mr. W. H. Smith) to this question, because I know he has a very anxious desire to spread happiness and contentment in all parts of Her Majesty's Dominions. I am only sorry Scotland is part of the Empire which he has not often visited, and with which he is not very familiar, or, at any rate, that Scotland, so far as this Parliament is concerned, is a place to which he has paid very little attention. I hope the right hon. Gentleman will condescend, if I may use the word without giving offence, to enter into this question, because it is a very serious question indeed.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): What is the question?

MR. ANDERSON: The right hon. Gentleman is impatient. We have been discussing the mussel question, and that is a question in which I am very deeply interested, because many constituents of mine have had to pay very heavy fines for having ventured in what are called tidal waters, and dredged for mussels which they use for bait. The present state of things is a most monstrous one, and if it were thoroughly investigated it would be found that although, technically, according to what the Lord Advocate is pleased to call the law of Scotland, it may be justice, the laird has no more right to mussel beds than the Lord Advocate himself. There is another question which is quite as important as the mussel question, and that is the salmon question. Hon. Members can hardly understand the extent to which the salmon fishings have been dealt with by the Crown in Scotland. It is perfectly incredible that such a state of things could exist as exists at the present moment in the county I represent. I do not know whether the First Lord of the Treasury has ever been in Morayshire. If he has not I hope he will go there some day, because he will find there a magnificent salmon river called the Spey. During the salmon season the Duke of Richmond nets the Spey for seven miles from the mouth up, in pursuance of some alleged right obtained from the Crown. The result is that for 100 miles above——

THE CHAIRMAN: Order, order! The hon. and learned Gentleman is perfectly justified in questioning the action of the Commissioners of Woods and Forests in alienating fishing rights; but he cannot enter into the question of original title acquired long since by a particular proprietor, or into the general condition of the law of Scotland.

MR. ANDERSON: Perhaps I was going too far in that direction. Let me say that there is a strong feeling existing in Scotland upon this question. I am sure the Committee has arrived at the conclusion that the rights of the Commissioners of Woods and Forests in respect to Scotch salmon fishings have been grossly abused. There is a unanimous feeling in Scotland that these rights have been dealt with in a way they ought not to have been dealt with, and I hope that the First Lord of the Treasury will see that the time has come when a Commission or Committee ought to be appointed to inquire into this important matter.

DR. CLARK: I am sorry the right hon. Gentleman (Mr. W. H. Smith) has left his place, because my reason in rising was to protest against the action of the Commissioners of Woods and Forests in two respects—first of all, in alienating the rights of the Crown and giving them to private individuals, and thereby compelling the public, if they wish to reacquire them, to buy them back at an increased cost; and, secondly, in selling the fishery rights at the preposterously low price of two, or three, or, at the utmost, five years' purchase. Furthermore, I wish to impress upon the Woods and Forests Department the necessity of getting back as soon as possible the possession of all the mussel beds around the Scottish Coasts. These mussel beds are now let merely for profit, and our fishermen have to go to Ireland for the purpose of getting mussels to use as bait. The hon. Gentleman the Member for South Belfast (Mr. Johnston) has told us that when he was Inspector of Irish Fisheries it was intended to make byelaws to prevent Scotch fishermen going over to Ireland for bait. We ask that these mussel beds shall be brought under the jurisdiction of the Fishery Board; that there shall be a close time; and that the younger mussels shall not be destroyed as at present.

THE CHAIRMAN: The hon. Gentleman is travelling very wide of the ruling I laid down. He can discuss the alienation of these rights by the Commissioners of Woods and Forests; but he cannot enter into the improvement of mussel beds.

DR. CLARK: I have said all I wanted to say, Mr. Courtney.

DR. TANNER (Cork Co., Mid): We are dealing with a marine question, and it is evident that some of us are rather at sea. I think, however, that the charges against this Department have been thoroughly substantiated. It is quite clear that these mussel beds have been given away to people, and that the rights of the foreshore have been parted with in a way which deserves the consideration of the Government. The hon. Gentleman requests that there should be a Commission appointed to inquire into the alleged grievances. I really think that the hon. Gentleman the Secretary to the Treasury (Mr. Jackson), who has charge of this Vote, ought to get up at once and accede to the request. Not only are there difficulties in connection with the foreshore in Scotland, but there are difficulties of the same character in connection with the foreshore in the South of Ireland. During the past two years we have heard a great deal of evictions in the South of Ireland. [*Cries of* "Question!"] I am not going to discuss the right of eviction, and I merely wish to allude to it *en passant*. The rights of the foreshore at Crookhaven, County Cork, have been granted by the Government, for the consideration of £5 a-year, to a nobleman of the name of Lord Clinton. Although Lord Salisbury not long ago laid down the rule that it was to be either pay or quit, Her Majesty's Government have not followed out that theory; because we find that Lord Clinton—perhaps because he happens to be a noble Lord—has not paid any rent for two years, and declines to pay it. Still, the Government have not as yet thought fit to put him through the process of eviction. I dare say it would be rather difficult to evict a nobleman, or to cut him off from his rights to foreshore if the tide was in. Be that as it may, I ask from the Government some little explanation of this matter. There is only a small sum at stake, £10; but, still, what is right for the peasant ought to be right for the Peer. I hope that before this Vote is disposed of the matter to which I have called attention will receive some explanation at the hands of the Secretary to the Treasury.

MR. JACKSON: There is an item of £7 10*s.* a-year and a-half's rent, which was unpaid on the 31st March, 1886. I find that endeavours have been made to get the money since 1880 without success.

DR. TANNER: What were those endeavours?

MR. JACKSON: I am not sure whether the process of eviction is practical. I will make inquiries as to the merits of the case.

DR. TANNER: Has the hon. Gentleman exercised judicial pressure within the law?

MR. JACKSON: I am exercising what pressure I can at this moment.

MR. LABOUCHERE (Northampton): It is sometimes said that the discussion in the Estimates does no good. I am not going into that question, but I want to point out that the accounts of the Office of Woods and Forests are very incomplete. The consequence is that the Department of Woods and Forests is a perfect preserve of jobbery, waste, and extravagance. The hon. Gentleman the Secretary to the Treasury smiles; but I think I can convince him of the truth of my statement. We are asked to vote for the Office of Woods and Forests the sum of £23,700. There is a very large expenditure for what is called the legal branch. For instance, £2,700 is taken for salaries, £800 for fees to counsel, £400 for law stationers' bills, and £650 for incidental expenses. I merely cite this as an instance of the way in which money is in all probability wasted. The total amount received by the Commissioners of Woods and Forests is £467,589. In order to collect this sum £102,782 is expended. Besides this you have £23,000 that we are now asked to vote, £125,782 is required to collect £467,589—that is to say, the collection amounts to about 25 per cent of the receipts. I wish to conclude by moving the reduction of the Estimate by £1,000, which will represent the salary of one of the Commissioners who might, I think, be very well dispensed with. I will take Windsor Park and Woods. Well, most persons would think if we were made a present of Windsor Park and Windsor Forest we should make the two ends meet in some way; but we do not. We pay a large amount for the Home Park. Let the Committee remember that the Home Park is not included in these Estimates, which are only for the Great Park and the Forest. The total receipts from Windsor Park and Woods are £4,631; but the expenditure in order to obtain that amount is £25,873. I remember calling the attention of the Committee to this subject on a former occasion, when I was told by the Secretary to the Treasury—"But you do not consider the cost of the roads." But deducting the cost of the roads, which is £9,916, it will still be found that Windsor Park costs us £11,306 more than it brings in. Well, if the Committee looks into the matter in order to see how that figure is made up, it will not be very greatly surprised. We have a ranger and a deputy ranger, a chaplain—a chaplain for a forest!—and a junior chaplain. What on earth these chaplains do in the Park and Forest I cannot tell, and why we should pay them any money I cannot tell. We have an item for gamekeepers—I would ask the Committee to remember that—and then we have items for general management, provender for cattle, horses, and saddlery. Whoever heard of such items in connection with a park and a forest? Saddlery, harness, provender for horses—enough almost to keep a regiment. Then you have an item, food for deer, £327. I do not know why we should keep up deer. But here is a monstrous thing—food for game, £500. I have called attention to this item before, and, thanks to the Treasury, I have followed it out. The item is perfectly monstrous. Whoever heard of tenants—because we are tenants as a matter of fact—providing food for the pheasants of the landlord? No doubt tenants frequently provide food in a certain way—that is out of their unfortunate crops; but they do not make contributions of money over and above what they provide in that way. The Treasury in defence of these items can only say that this property was taken over by 1 *Vict.*, in which 1 *Geo.* III. was repeated and recited, and they say we are liable for everything we were liable to at the time of the passing of that Act of *Geo.* III. It was stated that we took over all these charges at the time of the passing of this Act of *Geo.* III.; but I said at the time —"I do not know that; we may differ somewhat as to what the charges are." I pointed out—and it must be evident to the Committee—that we did not take over this contribution in respect of game for the reason that at the commencement of the Reign of George III. there were no *battues*, and we did not spend money in feeding pheasants. The Treasury were prepared for that and said—"Yes; that may be true, but the pheasants had in those days certain fields of buck wheat." Then it comes to this, that the pheasants in this Park and Forest have been deprived of their fields of buckwheat, and therefore they are entitled to compensation. I ask the Committee, if we are to be subjected to these charges, is it surprising that such an enormous amount goes in getting in this income? This is not the only case—we may take some other instances. The next item is for the Forest of Dean, and here the receipts amount to £9,821, and the total expenditure to £11,978. And there are several other cases of the same kind, so that the Committee will understand that the result of the figures is as I have stated. It does appear to me that we ought to register a protest against these charges. I think we are entitled to have an assurance from the Secretary to the Treasury—no doubt these items were inserted in the Estimates before the present Government were in Office, and I therefore think they are not more responsible for them than their Predecessors—but I trust we shall receive an assurance that we shall have all these charges submitted to Parliament, and that we shall have all these salaries placed before us separately. We have to bear an enormous expenditure in this way, and we should insist upon having some Parliamentary control over it. I find spread over the accounts contributions to churches belonging to the Established Church. Why, Sir, are there not Dissenters in this House? Are we to give additional sums of money to the Established Church beyond that which we already give it? It may be said—"Oh, but we pay these sums because we are in the position of the Squire." Well, let the Squire give money to the Established Church if he likes, that is no reason why we should do so. I was asked the other day to subscribe to an Established Church, but what was my reply? "Why should you come to me—go to your Bishop; get the money from him; do not ask me." So far as I am concerned, I would contribute to any Church in the world rather than to an Established Church. I thank my God that I have never given a single penny to any Established Church except as a taxpayer, and I hope I never shall. I hope I have made it clear to hon. Members, not only on this side, but on the other side of the House also, that we do require some kind of reform in these accounts. We should have paid into the Treasury a larger sum than we now receive. The expense of collecting a revenue of between £4,000 and £5,000 should not amount to £125,000, and it would not were it not for your rangers, deputy rangers, deer, pheasants, Established Churches, and all that sort of thing—[An hon. MEMBER: And chaplains.]—Yes; and chaplains, as my hon. Friend reminds me. Let us have a full account, and let it be submitted to Parliament like any other Estimate, and I am certain that if that is done and these things are submitted to the control of Parliament we shall save at least £60,000 a-year. I beg to move the reduction of this Vote by £1,000.

Motion made, and Question proposed, "That a sum, not exceeding £12,761, be granted for the said Services."—(*Mr. Labouchere.*)

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.): Sir, the hon. Gentleman the Member for Northampton really deals with these subjects as though he took a pleasure in quarrelling with certain items. It seems to be most pleasant to him to bring forward such questions as the cost of deer, of pheasants, of chaplains, and all the rest of it. I may say, as to this £500 referred to, it is the actual cost of attending to the preserving of the game, and the whole of the charges are such—as the hon. Baronet opposite (Sir John Swinburne) with his own large establishments will know—as are incident to the amenities of such a great Park as this is. I want to explain how it is that this £500 appears upon the Accounts, as the hon. Member for Northampton says that the Accounts do not come before Parliament for approval. As a matter of fact, and as the hon. Member opposite (Mr. Labouchere) knows, Parliament did not make a bad bargain when it agreed to give £500 in substitution of a charge which in 1850, or prior to that, amounted to £1,200 or £1,300 a-year. The agreement entered into was in view of a charge of three times the amount. I am told that the amount voted here does not pay the cost, and that a considerable payment has to be made out of the Privy Purse, in order to keep up the Park. Putting Windsor Park in the position of a financial concern, no doubt it does not pay; but it is also certain that Windsor Park cannot and ought not to be looked at from that point of view. It is of great service to the country, and the public get great enjoyment from it. Notwithstanding all that has been said by the hon. Member for Northampton, when he travels through the Park I am sure he likes to see the deer and the pheasants there. [MR. LABOUCHERE: I have to pay for them.] You cannot enjoy any luxury without paying for it. I should not like it to be thought that the statement the hon. Member for Northampton has made, that really an estate which brings in between £400,000 and £500,000 a-year has to expend over £100,000 to earn its income in the ordinary sense. The cost of collecting the revenue, so far agricultural land is concerned, is regulated by the scale of payments made to the Receiver of Estates. It would hardly be fair to charge all the cost of collection of the revenue of Windsor Park the whole charges which are thrown on the Accounts. It cannot in any sense be deemed to be the cost of collection in that sense. The rates upon the income as collected range in the ordinary way from 4 per cent downwards. With regard to contributions to churches—to the Established Churches and schools, and so on—there is no use denying the fact that these lands have been managed and dealt with precisely on the terms on which the ordinary landowner deals with his own estate. Let me say, further, that in some cases that is not only a moral obligation, but actually a legal obligation which was acquired and taken over by the Crown when these estates were purchased that these payments should be made. There are several cases where there is a legal obligation to maintain, say, the chancel of a church which is on the estate and which was bought with the estate. The estates have been bought with all the obligations and liabilities of the landowners which previously existed upon it. I know that these charges are not agreeable to the hon. Member for Northampton; but I will not put it in that way. You cannot escape from these obligations, and I do hope that the Members of the Committee will feel that in dealing with these estates we have taken over contributions to Established Churches and schools which were given for the direct benefit and advantage of the people attending them, and that we are only carrying out the obligations which each individual Member would carry out if they were obligations upon his own estate. I trust the Committee will not accept the Amendment the hon. Member has moved.

MR. LABOUCHERE: Of course, I enjoy these places that the hon. Gentleman has referred to. I have a right to do so. The hon. Gentleman says we have done an exceedingly good business, because up to 1850 we paid a much larger sum for the game than we do now. Well, my contention is that it is an abuse to pay anything on account of game. It is true that we pay less than we did in 1850, for it is admitted that we had to pay £1,200 a-year, and that now we only pay £500. But when the hon. Member tries to show that we had to pay £1,200, he has to go back to the Statute of *Geo.* III. under which, it is stated, we took over all these charges. Well, I defy the hon. Member to show that under that Statute there was any payment provided for in regard to food for pheasants. Therefore, we have not a word of justification for this charge. A person might think this amount is all we have to pay, but that is not the fact. Besides this £500 we have to pay for the gamekeepers, for food, for deer, and so on. I contend that we took this park over as a productive property at a calculated receipt per annum, and I contend that as tenants in taking over these estates in no case can the country have made itself liable to pay for the food of pheasants and other game. In the New Forest I think the hon. Member will find that permits are let out for shooting, and that a sum of between £3,000 and £4,000 is made in this way. I am sure that if, instead of keeping up this Forest and its gamekeepers, the Government would let out permits to shoot in Windsor Forest, instead of losing this amount I have referred to, we should make £3,000 or £4,000 per annum. We have this property in order to make money out of it —[Mr. JACKSON: For enjoyment.] The hon. Member says for enjoyment, but he knows very well that we cannot go on to all these lands; he knows very well that, in order to drive through it, you have to pay a guinea a-year or possess a residential qualification. He also knows that the game is shot by members of the Royal Family. Originally we did not enter into any engagement to keep up this game, and, seeing that that is the case, I do not think it is right that we should be asked to pay this money.

MR. FERGUSON (Leith, &c.): Will the hon. Gentleman give us some information with regard to the Scotch mussel beds, about which hon. Members have several times spoken?

MR. JACKSON: That question has already been disposed of.

MR. FERGUSON: It is an important matter, and I wish to refer to the investigations of the Commission.

THE CHAIRMAN: There is now an Amendment moved with regard to Windsor Forest, and until that is disposed of the discussion must be confined to that particular subject.

SIR JOHN SWINBURNE (Staffordshire, Lichfield): With regard to the public having no admission to Windsor Forest, I should like to ask whether it is true that the public cannot go through without let or hindrance so long as they behave themselves well, or have they to pay to go through? I should also like to know how much, if anything, is paid by the State as donations or subscriptions to Dissenting churches or chapels.

MR. CONYBEARE (Cornwall, Camborne): I should like to say a word on this subject. I cannot corroborate what the hon. Member for Northampton says as to the game, because I have never yet been in the Forest, and therefore cannot speak from personal knowledge of the matter, but with the sentiment he expressed I desire to express my complete satisfaction. I should like the hon. Baronet who has just sat down to be satisfied by Her Majesty's Government as to how we stand in this matter. I should like to know whether the public have a free right of entry into this Park, which is supposed to belong to the public, or if they have not. It has been definitely stated by the hon. Member for Northampton that those who wish to enjoy the beauties of the Park must either pay a guinea a-year or have a residence in the neighbourhood. If that is so, I think it is a shocking curtailment of public rights. I think we should either knock off the rent we are supposed to pay for the Forest, or whatever other form of payment we make for it, or we should insist upon having our money's worth in the way of recreation. Her Majesty's Government justify the existing position in regard to this matter, on the ground that it is not merely a matter of £ *s. d.*, but of recreation. Well, I have never heard of anyone going into the Forest for recreation. I have heard of Royal Princes and Princelings going there to indulge in the amusement of *battue* shooting; and while referring to these Royal personages I should like to ask whether they have to pay for gun licences and game licences, or whether they are——

THE CHAIRMAN: Order, order!

MR. CONYBEARE: Well, Sir, I will not trespass upon the domain of the Inland Revenue, but I may not have an opportunity of referring to this matter again, and I thought it was not altogether out of the way to touch upon that point. I wanted to point out to the Committee that we ought to get a good equivalent for the £385,000, Civil List, as it is called, which is paid to Her Majesty's Government for these hereditary revenues. According to my reading of the matter we only get £380,000 worth, instead of the full value for £385,000. This arrangement was entered into originally 77 years before Her Majesty came to the Throne. But apart from history in this matter, it is perfectly well known——

THE CHAIRMAN: I must point out to the hon. Member that an Amendment has been moved in regard to the alleged extravagant management of Windsor Forest, and that the discussion upon that Amendment must be disposed of before any other subject can be entered upon.

MR. CONYBEARE: Yes, Sir; but surely it is an *a fortiori* argument that we do not get an equivalent for the £385,000 we pay. However, I will not trouble the Committee with reference to what happened some years ago. I know that the memory of this House and this country is very short. All I would say on that matter is that I will certainly follow my hon. Friend the Member for Northampton into the Lobby when he goes to a division upon this matter. I trust we shall have similar and equally interesting discussions to the present whenever an opportunity occurs. Referring to the question of the management of the foreshores——

The CHAIRMAN: Order, order!

Mr. CONYBEARE: Oh, I understand; the question of mismanagement and extravagance in regard to Windsor Forest does not apply to foreshores!

The CHAIRMAN: No.

Mr. CONYBEARE: Then I will reserve what I have to say.

Mr. JACKSON: The hon. Member is under the impression that the public are excluded from Windsor Forest. I understand that it is not the case, or at any rate, I understand that the hon. Member is hardly accurate. The public are not excluded——

Mr. CONYBEARE: Can they go and shoot in the Forest?

Mr. JACKSON: Certainly not. I do not suppose that the hon. Member for a moment anticipated that the public were allowed to go and shoot in the Forest. If he had listened to the interesting statement made by the hon. Member for Northampton (Mr. Labouchere), he would have heard that the shooting was reserved for other persons. I believe that private residents may go into any portion of the Park.

Mr. LABOUCHERE: No; it is not open to the public.

Mr. JACKSON: I am speaking of the Park generally; the Home Park is reserved. You can walk in those portions which are not reserved. ["No, no!"] That is the information which is furnished to me.

Question put.

The Committee *divided*:—Ayes 71; Noes 143: Majority 72.—(Div. List, No. 365.)

Original Question again proposed.

Mr. MOLLOY (King's Co., Birr): I want to ask a question of the Secretary to the Treasury upon a subject which I mentioned last year and upon which a long discussion then took place. It is with reference to Mr. Clutton, who, I think, is called Receiver General. Mr. Clutton is largely employed in the Department of Woods and Forests, and besides that he has also appointments of a very lucrative character in other Departments, but which do not appear on the Estimates. He receives considerable salaries for certain duties connected with the Ecclesiastical Commission, but as to these salaries one is kept completely in the dark. Last year, the first complaint made was that this gentleman, who is in receipt of large sums of money on behalf of the Government, had mixed them up with his own account. I do not mean to suggest that there was anything in the slightest degree dishonest in his so doing, it was merely an irregularity. That, I understand from the Secretary to the Treasury, has been settled in a satisfactory manner, and now the Government accounts are kept separately from those of Mr. Clutton's firm. Mr. Clutton receives large sums of money every year on behalf of the Government as Receiver of Crown Rents. Now, the complaint I made last year was that the collection of Crown rents is one of the simplest matters possible, it is unlike the collection of rents of any other kind since there is no difficulty. It merely entails the sending by post of a letter reminding the parties that the rents are due, and the rents are paid at once. Unfortunately for myself, I have not got my notes with me on the present occasion, and I may be wrong in the figures I am going to state. As far as my memory serves me, Mr. Clutton receives 5 per cent for the collection of these ground rents, and last year I complained very bitterly of the enormous percentage which was given for this work, which I then showed could be done by the youngest clerk in his office. I think the amount Mr. Clutton receives by way of percentage amounts to something like £8,000 or £9,000 a-year, and last year it was pointed out that the work could easily be done by intelligent clerks receiving £200 or £300 a-year. I then suggested to the Secretary to the Treasury that this very large payment should be decreased, that it was no unfairness to Mr. Clutton to say he should do this work upon the same terms as it could be done by any rate collector in the country. The Secretary to the Treasury promised to look into the matter, and see how far a deduction might be made in the amount paid to Mr. Clutton, more especially as this gentleman was also in receipt of large sums of money for the collection of rents on behalf of the Ecclesiastical Commissioners, and also in receipt of salaries from other Departments of the Government. I hope the Secretary to the Treasury will be able to inform the Committee that this work is now being done at something like a fair price. There is another point I desire to mention, and it is that a certain number of the Crown farms which are managed by the Receiver General under this Vote are now in hand. I am given to understand that these farms have been worked under the supervision of Mr. Clutton, who is an architect and surveyor. I do not know that his profession makes him a very good farmer, but, however that may be, I am given to understand that the loss entailed by the working of these farms is a very heavy item indeed in the national finances. I cannot find anything in this Vote to guide us; to show us what the expenditure on this account is; to show us whether there is a profit or loss. In point of fact, this Vote, like every other which comes before us, is a Vote which conceals knowledge which is useful, and tells us a great deal which is not useful. There is no statement as to the rent of these farms, and we have no means of ascertaining from the Votes themselves whether the farms are worked at a loss or not. If it is true, as I am given to understand, that the farms in hand are worked at a great loss, surely it would be better to let them at no rent at all rather than they should be worked by State officials who know nothing about farming, and that a loss should be entailed. I hope we shall receive some assurance from the hon. Gentleman the Secretary to the Treasury that the percentage paid for the collection of the Crown rents has been reduced.

Mr. J. W. BARCLAY: I recollect very well that a very strong opinion was expressed in the House last year upon Mr. Clutton's percentage, and that the Secretary to the Treasury promised to make inquiries. I think we have a right to be informed whether the same arrangement exists with Mr. Clutton as heretofore, and if so, why? I do not see why the Commissioners of Woods and Forests should not employ a receiver of their own to collect these rents which, in my opinion, could be collected without any trouble at all on the part of an ordinary collector. We have also a right to expect from the Secretary to the Treasury some statement as to the loss which accrues from the working of the farms in hand. It is well known that some years ago there was a great scandal in connection with the management of some estates in the hands of the Commissioners of Woods and Forests, and, if my memory serves me right, one poor man committed suicide in consequence of the harsh treatment he received at the hands of the Commissioners. If the Commissioners are managing farms, as my hon. and learned Friend (Mr. Molloy) says, at a very considerable loss, it is right we should know what the loss is. It is also right we should know whether the same arrangement as heretofore continues with Mr. Clutton, and, if it does, why some more economical arrangement has not been made?

Mr. JACKSON: The hon. and learned Gentleman the Member for King's County (Mr. Molloy) has referred to the fact that last year I promised to make inquiries as to certain payments made to Mr. Clutton for the management of these matters. The hon. and learned Gentleman has referred to the question in a manner as though really there was very little to do, and as though the work might be done by a clerk receiving £200 a-year. The hon. and learned Gentleman, for instance, said that all that was required was the posting of a few circulars, and that the collection of the rents entailed no trouble at all. Now, the hon. and learned Gentleman knows something about land, and about the difficulty agriculturalists have in paying their rents, and I can hardly believe that on consideration he will think that the rents of agricultural tenants can be collected so easily as he has said.

Mr. MOLLOY: They are mostly ground rents.

Mr. JACKSON: The right hon. and learned Gentleman has forgotten the fact that Mr. Clutton does not collect ground rents, practically he only deals with agricultural rents. In Mr. Clutton's receivership there are 52,500 acres of land. These are scattered over 18 counties, many of them situated at considerable distances from London. The estates are let in 1,850 holdings, exclusive of garden allotments and manorial tenancies. As receiver of the rents of these estates it is the duty of Mr. Clutton to visit the estates several times during the year. It is his duty to consider, and report upon, and assess the amount of reduction which is to be made on any holding in respect to which an application is made to the Commissioners of Woods and Forests, and in addition to that it is his duty to advise as to the management of the estates generally. He has not merely to collect the rents, but really to manage the estates, and for the services he renders he receives 4 per cent upon the collection. In regard to the farms in hand I did, as I promised, look into the matter, and I found what I considered to be an unsatisfactory condition of things. As the result of my inquiries a fresh arrangement has been made, because under the old system farms in hand were dealt with by Mr. Clutton or his agent buying all the tenant's stock, and then selling it and charging the commission upon the total terms. I think that was not a satisfactory arrangement. To an agent a farm in hand entails much greater labour and attention than a farm which is in the occupation of a tenant, and the arrangement which has been made is, that Mr. Clutton is to receive a commission upon the rent which the farm has been let at. I think that is an arrangement of which no one can complain. I am sure Mr. Clutton deserves some credit for the management of these estates, because during the past year no farm has come on the Commissioners' hands. Not only that, but there have been two farms measuring together 650 acres let from those which were in hand, and at the present time there are only 1,150 acres in hand throughout the whole of the estates. I think that is proof, if proof were wanting, that the practice which the hon. and learned Member (Mr. Molloy) thought we ought to pursue—namely, that we ought to let the farms at a reduced rent if we could not get tenants for them at the rent originally asked, is pursued where requisite. Tenants are being assisted where assistance is necessary by the remission of rent; of course under proper safeguards, and we do the best we can in the interests of the property. I think these facts show to the Committee that both in regard to the charges Mr. Clutton makes, and also with regard to the farms in hand, the suggestions made last year have received attention. I hope hon. Members will regard my answer as satisfactory.

Mr. LABOUCHERE: It has been pointed out to the Committee that in all these different estates scattered over the country there are a number of officials who surely can collect rents. There is an official in the New Forest with a salary and allowances of £670, who has a first assistant with a salary of £250, and also a second assistant.

Mr. JACKSON: They are not under Mr. Clutton's management.

Mr. LABOUCHERE: I should like to know what Mr. Clutton really receives, because I find £7,900 per annum put down for the salaries of receivers, £520 for incidental expenses, and £3,726 for surveys and plans. Mr. Clutton is at the head of the whole thing, and I think it will be found, except in isolated cases, that there are two or three persons upon the estates receiving salaries which would lead one to suppose they are in a sufficient responsible position to look after the rents. Mr. Clutton gets an enormous salary. I should like to know what the gross amount he receives is. The only thing I can see is the sum of £4,000 or £5,000 as balance of account, &c. The difficulty we experience in dealing with these Estimates is that we cannot get at the bottom of them. There is another thing I want to point out. The hon. Gentleman (Mr. Jackson) said nothing about churches; but I find here an item of £4,000 towards the cost of building St. John the Baptist's Church in Great Marlborough Street. You cannot get at the bottom of these accounts, the whole arrangement of the accounts is a perfect hugger-mugger designed in order to prevent us from arriving at any satisfactory conclusion. There is nothing but waste and extravagance throughout. I hope the hon. Gentleman will be able to tell us clearly what is the total amount Mr. Clutton receives.

Sir JOHN SWINBURNE: The hon. Gentleman the Secretary to the Treasury has told us that Mr. Clutton receives 4 per cent upon the amount collected. Does that 4 per cent amount to the £900 which appears in the account we are now considering, or is it something in addition to that?

MR. WOOTTON ISAACSON (Tower Hamlets, Stepney): It is new to me that the receivers get commission besides salary.

MR. JACKSON: I have already pointed out that that is not so.

MR. WOOTTON ISAACSON: As the owner of a large amount of Crown property, I have always paid the rental to Mr. Higgins; but I find figures in the Woods and Forests Estimates for salary. I was alarmed when I heard hon. Gentlemen opposite state that receivers received a commission of 4 per cent, and I inquired further into the matter, and I found that this is really not the fact. I found that the rentals for the property in the Regent's Park and the surrounding neighbourhood are received by the receivers, who get nothing but salary. There is one matter I must call attention to in connection with this Vote. I very much object to surveyors accepting posts under Government, and, having all the advantages of those posts, engaging in private business at the same time. It is a most iniquitous system, and a system which keeps a great many professional men out of work. The system not only obtains with regard to surveyors, but there are many gentlemen of the long robe who also receive considerable salaries, and yet are allowed to practice in Court. I hope that an end will be put to this objectionable system, and that professional men will be paid such salaries as they can be reasonably expected to give their entire services for to the country. That is not all. The present system does not only tend to deprive many professional men of work, surveyors under Government have many advantages. They frequently enter into contracts with a *quasi*-authority. They frequently obtain contracts where other men would not, and they do so simply because they are in a position to guarantee certain alterations which no one else could guarantee. This has really come under my personal observation. There are many occasions on which surveyors under the Woods and Forests are enabled to guarantee certain alterations of Crown property which no other surveyor could guarantee. I can bring evidence of cases of this kind occurring over and over again. I trust that the day will soon come when those who hold these lucrative posts will be prevented from engaging in private business, and preventing many other professional men from obtaining employment.

MR. CONYBEARE: I am very glad indeed the hon. Gentleman (Mr. Isaacson) has been able to throw more light upon this subject, for the light he has thrown upon it I am bound to say casts a very lurid glare upon the performance of this Office. We heard lately of the performance of another Office — the Metropolitan Board of Works. It seems to me that if the hon. Member (Mr. Isaacson) is in a position to substantiate what he says, we shall find that this Office is only equalled in maladministration by the Metropolitan Board of Works. Whether what has been said is true or not, these charges should not be made on the floor of the House without notice being taken of them, or without some Committee being appointed to inquire into them. I am altogether in the dark as to where we are in this matter. We have heard, Mr. Courtney, of the large salary paid to the Receiver General; we have heard that the Receiver for the County of Middlesex is paid £900 a-year, and that £100 is allowed him for clerical assistance. I understand the Receiver General is Mr. Clutton. If I understood the hon. Gentleman the Secretary to the Treasury (Mr. Jackson) aright just now, he said Mr. Clutton was not paid a commission in addition to his salary. [MR. JACKSON: I did not say so.] At any rate, he told us that Mr. Clutton receives a commission of 4 per cent upon the rental of 52,500 acres, distributed over 1,850 holdings. I suppose we may reasonably assume that the rental is something like £50,000, in which case Mr. Clutton will get £2,000 as commission upon the collection of these rents. Then we are told that Mr. Clutton has a commission on the rent for which a farm has been let, and which apparently is now being farmed at a loss. So there are three distinct sources of income for the Receiver General as far as I can understand. First of all, there is the commission of 4 per cent upon the revenue from 52,500 acres; secondly, the commission upon the rental of farms which are being farmed at a loss; and, thirdly, this £1,000 a-year salary, which, if it does not go to the Receiver General, I cannot understand where it does go. He seems to be such a general receiver that he gets everything. This Gentleman really gets as much as our Ministers of State. He certainly gets as much as most Ministers of State, and even as much as the Lord Chancellor gets. We object to the Lord Chancellor getting £10,000 a-year, and I certainly object to the Receiver General getting as much as the right hon. Gentleman the First Lord of the Treasury, or as the Marquess of Salisbury himself. If a public servant receives a fixed salary he ought not to have, as the hon. Gentleman opposite (Mr. Jackson) has said, a commission in addition. I maintain, until it is conclusively proved to the contrary, that according to the figures we have been supplied with, there is this commission paid in addition to a very considerable salary. I want to know what all the different officers under the Office of Woods and Forests, for which we are asked to vote £23,761, do. So far as I can make out, the information supplied us here does not enable us to ascertain at all what this £23,761 is for at all. We have heard the Financial Secretary explaining the enormous burden of the duties which Mr. Clutton has to bear upon his shoulders. Surely that is a reason for dividing his responsibility. If the burdens are very great, let them be properly paid for, but not paid for at an enormously high price. I want to know what all these clerks, assistant clerks, and messengers are for, if they are not to assist Mr. Clutton in the great burden of administering these estates. We have got two Commissioners at £1,200 each. Surely they do some of the work. I am very dissatisfied with the explanation given by the Secretary to the Treasury, and if my hon. Friend the Member for Northampton (Mr. Labouchere) presses his Motion to a Division, I shall have pleasure in following him into the Lobby.

Mr. JACKSON: I am afraid that I cannot make the hon. Member understand the case. I have endeavoured to explain what Mr. Clutton's duties are. I have endeavoured to make clear that he is not the person to whom reference is here made as Receiver General. He has nothing whatever to do with the fees of the Receiver General. The gentleman who is here paid a salary of £900 is not paid for any of this work, but he acts as Receiver for the County of Middlesex, and receives a salary with no commission whatever. I believe that the rental upon which Mr. Clutton receives 4 per cent commission is about £80,000 a-year. Hon. Members speak as though this percentage were all net profit to Mr. Clutton, but I have endeavoured to explain that in order to do the work required of him, Mr. Clutton has to keep a large establishment of first-class clerks. In addition to this Crown property which Mr. Clutton manages there is a large amount of property scattered all over the kingdom, with which the Commissioners of Woods and Forests have to deal. There is mining property, foreshore rights, Crown rights, and various kinds which are dealt with by these Commissioners, one of whom was a Member of this House—a man in whom every Member of this House had the utmost confidence upon agricultural questions. One Commissioner deals with one portion of the country, and another Commissioner with another portion. Their salaries of £1,200 each have nothing to do with the sums which are paid to Mr. Clutton or to the other receivers.

Mr. MOLLOY: I should like to say I am very satisfied with the statement the Secretary to the Treasury (Mr. Jackson) has made. I think the arrangement with regard to home farms is as good as it is in his power to make, and we know for the first time that the rents which are collected by Mr. Clutton are agricultural rents. Considering all the circumstances, I am bound to say I do not think 4 per cent is too large a commission to pay. When I raised the question I was under the impression that these were ordinary Crown rents. I am sure that hon. Members will agree with me that this discussion has been of some use.

Mr. BEADEL (Essex, Chelmsford): I was very much surprised at the observations of the hon. Member for Stepney (Mr. Isaacson). That hon. Gentleman appears to think that business of this kind can be carried on by salaried officers as well as it can by a gentleman who has risen to the highest position in his profession.

Mr. WOOTTON ISAACSON: I said nothing of the kind. I said that to my certain knowledge ground rents were received by a salaried Commissioner. I expressed no opinion as to whether he was better qualified than the gentleman who was paid by commission.

Mr. BEADEL: The hon. Member for the Camborne Division of Cornwall (Mr. Conybeare) appears to find fault rather with the salary than with the percentage paid to Mr. Clutton; but he cannot think that a man of less intelligence than Mr. Clutton is capable of doing justice in the matter of agricultural rents. The difficulties which have arisen with regard to the management of Crown property are known only to those who are mixed up with the land of this country. The agricultural interest is now in a most frightfully depressed condition; and I am persuaded that if the hon. Member for the Camborne Division had to deal with landed questions at this moment, he would, instead of reprobating the payment of 4 per cent commission, be the very first to propose that the percentage should be increased.

Mr. CONYBEARE: Allow me to explain. I do not object to the percentage, but I object to a man being paid a salary in addition to percentage.

Mr. BEADEL: I happen to have an intimate knowledge of Mr. Clutton's business; and I can inform the Committee that it is necessary for him, in order that the work of his office may be properly done, to keep a staff—a very superior staff. I will undertake to say that, so far as he is individually concerned, that though his salary appears large, a considerable amount of the money he is paid does not go into his own pocket. In order to manage the Crown estates as they should be managed, so as to withstand criticism in this House, it is necessary that he should be above suspicion—which I venture to think all salaried servants, with the temptations which they at present have around them, can scarcely be. ["Oh, oh!"] At any rate, salaried officials would not bring the same amount of intelligence to bear upon the work of this office. Mr. Clutton is paid by a percentage upon the rents; and, unfortunately for him, agriculture being in a state of depression just now, his income is prejudicially affected, the less rent there is to be collected the less he receives in his capacity of receiver. He is really, I think, entitled to the consideration of this House; and I think he should be paid rather more instead of rather less.

Dr. TANNER: I should like to ask what are the qualifications necessary for a man to become a Forester? I should like to know that, because I have heard that most of these men are not trained in this country, but have to go away to study forestry to other lands. Well, if you wish to treat this matter in a particular way, I do not see why, if I may be allowed to offer a suggestion, you should not turn these forests to some practical account by allowing persons to learn the art of forestry in them. That would make this work reproductive work, and, at the same time, instead of requiring money to be spent out of the country, you would be enabled to train these young men at home, and make what is at present unremunerative remunerative. I understand, from the inquiry going on upstairs into the question of forestry, that the conclusion arrived at is that probably the only place—at any rate, the most suitable place—in the Kingdom for the establishment of a school of forestry is in the Forest of Dean, to which reference has been made.

Mr. LABOUCHERE: I understand that Mr. Clutton receives 4 per cent for the rents he collects. That yields him £4,999. We hear that he has 52,000 acres to let, and surely he does not get paid in respect of that?

Mr. JACKSON: I said he receives a commission upon what he collects.

Mr. LABOUCHERE: Then there are certain charges for surveying and for superintending the construction of buildings and certain works, the item being £1,910. It is evident that he receives payment over and above his 4 per cent.

Mr. JACKSON: Certainly; I said the 4 per cent was the commission he received on agricultural rentals; but that over and above that he received payment for certain work. If, for instance, cottages are to be pulled down and rebuilt, or if extensive drainage works have to be carried out, or if farm buildings have to be erected, that is work in connection with the estate that would not be included in the 4 per cent. For the 4 per cent he acts as surveyor; but if he superintends work or carries out work, he is paid, of course, for making plans and superintending.

Mr. CONYBEARE: We want to know if it is not possible to get some one to do this work for less than £6,000 a-year? Mr. Clutton receives £7,000 a-year under the Ecclesiastical Commissioners. He is under a Commissioner who only receives £1,200; and I should very much like to know why we pay this public servant, who is in an inferior position—why we should pay the manager of our estates—more than we are paying to our Judges, or to any single Minister of State, except, perhaps, the Lord Chancellor?

Mr. ISAACS (Newington, Walworth): I venture to think that the hon. Member for the Camborne Division of Cornwall does not realize the facts of this case. He wants to know why in the case of a Commissioner £1,200 only should be paid, and in the case of Mr. Clutton £6,000 a-year should be paid. The reason is this—that in the case of the £1,200 salary it is purely personal. The whole amount goes into the pocket of the Commissioner without any deduction whatever; but in the case of the Surveyor of Woods and Forests he has to keep up a very large establishment himself; and I do not think there are less than 30 to 40 clerks in it. He has to pay the whole of these clerks out of his own salary. It is idle to suppose that an official who has only to collect rents should not be paid extra when he is called upon to render professional services of a totally different character.

Mr. LABOUCHERE: I should like to know what hon. Gentlemen opposite, Members of the Government, pay for the collection of rents?

An hon. Member: Five per cent.

Mr. LABOUCHERE: Not 1½ per cent?

Several hon. Members: No; 5 per cent.

Mr. LABOUCHERE: What do they pay in Scotland, where the people are of a more practical turn of mind? I would ask the right hon. Member for Berwickshire (Mr. Marjoribanks), whom I see in his place, what in his experience is paid for the collection of rents? I am very much mistaken if in Scotland more than 1½ per cent is paid.

Mr. TOMLINSON (Preston): The amount very much depends on the nature of the rents, and I should think 4 per cent for some kinds of rents was not excessive. No doubt there are cases where 4 per cent would be rather high; but there are other cases where it would not be enough.

Mr. MARJORIBANKS (Berwickshire): I know many cases in Scotland where a factor only receives 1½ per cent.

Mr. J. W. BARCLAY (Forfarshire): It seems to me that the question here is one of monopoly. It appears that this gentleman not only holds the office of Surveyor of Woods and Forests, but he also holds an office under the Ecclesiastical Commissioners. If this gentleman has the management of the estates the salary he receives will be fair enough; but if he is paid this enormous amount merely for collecting rents, I think the payment is far too high. The amount this gentleman receives is brought up to nearly £8,000 a-year, and I think that a great deal too much. I think the office of Woods and Forests might do much better. I think we ought to protest against this monopoly of business by one individual, because whilst a man has several businesses to look after it is impossible that he can do any of them satisfactorily.

Mr. HANDEL COSSHAM (Bristol, E.): I should like to ask what are the special duties of the Commissioners?

Mr. JACKSON: The Commissioners look after the estates generally, and are responsible for their management. Mr. Clutton deals with a certain portion only of the estates as receiver of the rent.

Mr. J. W. BARCLAY: I think we ought to protest against the monopoly of this large amount of business by one individual. I will, therefore, move to reduce the Vote by the sum of £5,000.

Motion made, and Question proposed, "That a sum, not exceeding £8,761, be granted for the said Services."—(*Mr. J. W. Barclay.*)

Sir JOHN SWINBURNE: I hope the Committee will take this matter into their serious consideration. Four per cent on the rental is sufficient to pay any land agent, for superintending the pulling down of houses, the building them up, carrying out drainage works, and indeed for the whole conduct and management of an estate. Four per cent is a handsome sum—a generous sum—but here we find that a Government officer is paid £4 per cent on the rent he collects, and an additional sum for the work he does, besides receiving an enormous sum from another Department of the Government.

Question put,

The Committee *divided:*—Ayes 78; Noes 150: Majority 72.—(Div. List., No. 366.)

Original Question put, and *agreed to.*

(11.) £30,967, to complete the sum for Works and Public Buildings Office.

MR. CONYBEARE: I wish to bring to the notice of the Government one other point. I understand that there are certain regulations in respect to filling up vacancies in the clerks of the works in connection with this office, and I am informed that one of the principal regulations is that only those persons are eligible—or, at any rate, there is a limitation which excludes from competition all persons except those who have been foremen for five years in some particular business. That restriction is complained of, and I think with justice. It is argued that it tends to exclude, and practically does exclude, a great number of able men who have a practical and minute knowledge of their business as builders and so forth, and who, for some reason or other, may not have been able to attain the position of foremen. Foremen are not necessarily men with the most thorough practical knowledge of their work; and what I would impress on the Government is that you want men in office who have not merely a theoretical or such a literary knowledge as would enable them to pass the examination required, but men with a practical knowledge of the details of the work as builders, carpenters, and so forth. For it can be shown, and I have information that satisfies me that it can be shown, that in many cases foremen do not become foremen through the intimate practical knowledge that they should have of their work, but through favouritism. It follows that if you make it a requirement that a man shall be a foreman for five years before he can be qualified for competition for one of these posts, you are limiting the field of selection. In the public interest you should have a fair field and no favour, and then you could get your supply of men for these posts from those who have a practical knowledge of their work, as well as from those who have only a theoretical knowledge of it. My informant who has asked me to press this matter on the Government says that as the regulations now stand, only the sons of builders who are appointed as nominal foremen can compete for these appointments; and what we contend for is, that not only such persons should have opportunities to obtain these appointments, but also those who have practical and technical knowledge. I would ask whether the examination for these posts includes such tests as would secure that the successful competitors have practical and technical knowledge? I believe that if there were such an examination, many of those who now succeed in passing would speedily be disqualified. That is as briefly as I can state it, the complaint made in respect of this examination, and I can only say, in addition to that, what appears to be a matter of common sense—that if a man has served an apprenticeship, has worked 10 years or more at the building trade, and has studied the practical and technical part of the business, whether as foreman or not, that implies that he must have such a knowledge of the business as entitles him to have a fair opportunity of showing that he is fit for a post in the Civil Service. One great disadvantage of the present restriction is that it discourages that technical education which we are so desirous to see extended. We are just beginning to talk of giving grants to technical schools, and establishing a system of technical education. But I believe that even greater advantage would accrue from throwing open this competitive examination to those who have worked their way up, and, by long practice, have made themselves masters of their particular branch of work. If you did this, you would afford a stimulus and an encouragement to the extension of technical education which would materially assist that system of technical education that we propose to establish.

MR. JACKSON: I think that the suggestion made by the hon. Member is well worthy of consideration; and it will receive the consideration of the Government.

Vote *agreed to.*

(12.) £10,000, to complete the sum for the Mercantile Marine Fund (Grant in Aid).

MR. ARTHUR O'CONNOR (Donegal, E.): From the figures which are before the House, one would imagine that there was little room for criticism of this Vote. It would appear to be a Vote of £40,000 in aid of the Mercantile Marine Fund of the United Kingdom. A note on page 161 sets forth that under the 45 & 46 *Vict.*, c. 55, the Mercantile Marine Fund is charged with certain services that have hitherto been provided for by Votes of Parliament, and that, on the other hand, certain payments hitherto made into the Exchequer are now transferred to the Mercantile Marine Fund; and that the balance against the Fund is at present estimated at £40,000, and is charged upon the Votes by Section 5 of the Act for five years from 1883-4 inclusive, after which the amount is subject to revision. This is a deliberate statement that the balance against the fund is estimated at £40,000. There then follow certain accounts of receipts and expenditure, amounting to an estimated sum of £78,000 for receipts, and £84,000 for expenditure. Now, that appears to be a very simple matter; but there is connected with this Vote the whole system of making safe, as far as possible, the commercial marine of this Kingdom in their dangerous avocations round the coast of the United Kingdom. The system of light-houses, light-ships, fog-signals, and buoys are really provided for under this Mercantile Marine Fund, and the services it represents. The duty of setting up these lights, and the care of the lighthouses, is performed for the English Coasts by the Corporation of the Trinity House, by the Commissioners of Northern Lights for Scotland, and by the Commissioners of Irish Lights for the Irish Coasts. Now, there is no question about the management of these bodies. They may spend a great deal of money in the dinners which they give at two or three guineas a-head; but as to their management of the lighthouses, buoys, and signals, the mercantile community have never made any complaint. But under the Merchant Shipping Act of 1854, a great change was introduced. Until that date, the three bodies I have named were empowered to collect fees from ships that passed the lighthouses; and they were, under the Act of 1854, made accountable for the receipts and expenditure in connection with this service. The 417th section of that Act provides that the following sums shall be carried to a common fund, to be called the Mercantile Marine Fund—the fees relating to the examination, engagement, and discharge of crews; the light dues, and other sums received by and accruing to the Trinity House, the Northern Light Commissioners, and the Commissioners of Irish Lights; and the fees in connection with the receipt of wreck. Now, although the Vote to which I have referred speaks of survey fees and of the Grant in Aid, yet by far the greater part of the fund is derived from the light charges. According to the Report furnished to the House, out of an income of £624,000, including the Vote in Aid, not less than £348,000 are derived from light dues; and out of £624,000 of expenditure, the payment on account of lighthouses, &c., amounts to £411,000; so that the services mentioned on the face of the Vote are a mere bagatelle compared with the important duty of keeping up the lighthouses. Now, it is clear that if there is a large sum derived from light dues, the balance of the fund which is represented as being covered by the £40,000 of the present Vote will be materially increased, or if there is a smaller sum from light dues it will be diminished, without any reference to the items on page 161 of the Estimates. As a matter of fact, the Mercantile Marine Fund is in a condition very different from that which anyone would suppose who took the Vote and examined it by the light of the figures vouchsafed to us by the Government. When the light charges were made lighter some 30 years ago, the Government relieved the shipowners materially by an Order in Council. An abatement was made off the previous charges of 20 per cent in regard to sea-going, and of 10 per cent for coasting vessels. But since then there has been a material increase in the number as well as in the tonnage of vessels, and with that increase there was, of course, an increase in respect of the light dues until the sum recovered from the vessels was immensely beyond the necessities of the lighthouse service and charges. Successive reductions were then made in favour of the shipping interest by successive Ministers at different times. By the year 1884 the shipping interest had been relieved to the extent of 60 per cent of the total amount originally chargeable for light dues, but at the end of 1884 the Mercantile Fund, in spite of these reductions, was in a flourishing condition. Then, however, unfortunately for this Vote and for the Board of Trade which administers it, there was in Office a Gentleman exceedingly anxious to curry favour with the shipping interest —the right hon. Member for West Birmingham (Mr. Chamberlain)—who is a great adept in catchpenny phrases which tickle the ears of the groundlings, and he, being desirous to curry favour with anybody and everybody, recklessly proposed to reduce the light dues on shipping as some of his Predecessors had done. What has been the result? There was only 40 per cent of the original light dues then levied. The shipping interest, however, was, as it always has been, clamorous for relief and for the reduction of the charges to which it was subject, and this interest induced the right hon. Member for West Birmingham to reduce the 40 per cent to 30 per cent, thereby making a further reduction of 25 per cent on the amount then payable. Now, that deduction of 25 per cent upon the previously payable charges was a very serious blow to the Marine Fund, and from that day to this the Mercantile Marine Fund has been going from bad to worse, until, I believe, the Government have found themselves obliged to borrow, or propose to borrow, about £250,000 to save the fund from disaster. The £40,000 included in this Vote by no means shows the real state of things. I complain that the present Government have not put on the face of the Estimates, as they ought to have done, exactly how the matter stands. Of course, no one can blame the Government for the ridiculous and unfettered action of the right hon. Gentleman the Member for West Birmingham when he was occupying the position of President of the Board of Trade, but still they are responsible for the acts they have done themselves. They have, I assert, submitted to the House of Commons a Vote which has completely deceived this Committee with regard to the circumstances with which the Department concerned in the matter has to deal. Of course, it may be said that the Government are not really under the necessity of raising this money to put the Mercantile Marine Fund in funds in order that it may meet the more expensive service it has to provide for; but they could, if they liked, instead of raising the fund, re-impose the 25 per cent. Here, again, I say that the Government are to blame. Instead of having the courage of their convictions, and there is, I think, no doubt they do hold the conviction that this 25 per cent ought to be re-imposed, they seem to be anxious to get into a state of discredit with our shipping commerce, corresponding to the credit which the right hon. Gentleman the Member for West Birmingham obtained when he made the deduction referred to. If they can afford to go into the market for the purpose of borrowing enormous sums of money for which they have to pay a percentage every year, they ought to be able to face the difficulty, and say—"If the ship dues are reduced to so low a figure, they are not sufficient to meet the requirements of those who have thrown upon them the management of the Mercantile Marine." So much with regard to the lighthouse dues and charges on shipping. I should now like to ask the right hon. Gentleman who is in charge of this Vote if he will explain how the Mercantile Marine Fund stands at present, and what sort of a balance is at the disposal of the Board of Trade after all these months of falling income and increased charge? There is also another point with reference to which, if the right hon. Gentleman the Member for West Birmingham were here, I should like to dwell, and that is with regard to the charge put down for the Receivers of Wrecks. I may remind the Committee that years ago I expostulated against what I conceived to be the mistaken policy of the right hon. Gentleman as evidenced in the change of system under which the fees and salaries of the Receivers of Wrecks were arranged. I ventured to predict at that time that the change of system which was then introduced would result in an increased charge for salaries and increased charges in other respects; but the right hon. Gentleman the Member for West Birmingham merely pooh-poohed my utterances, although in the end it was found that he was in the wrong and I was in the right. However, as the right hon. Gentleman is not present, I will not go further into that matter. There is another point in regard to which, I hope, the present Representative of the Board of Trade Department will kindly favour the Committee with some information. It is a point which I submitted to the right hon. Gentleman the Vice President of the Board of Trade some days ago, with regard to the wages of deceased seamen; and here I may remark that this Paper which is put before us is of a very extraordinary character. Anyone who is at all acquainted with accounts will at once recognize the fundamental principle that when you have a cash account it is only possible to leave a balance at one side; it is impossible to pay away more than you have received. But this extraordinary account issued by the Board of Trade actually shows a cash balance. How it is that the Board of Trade can properly carry on its business in connection with the Mercantile Marine when its accounts show cash balances on the wrong side I really am at a loss to imagine. But I should like still further to analyze this Return, because I am fully satisfied that if the accounts of the Mercantile Marine Fund are kept in the same way in which the wages and receipts of the Receivers of Wrecks are kept the whole thing must be in a condition of hopeless confusion and muddle. They have shown a balance on the wrong side of the account, while their expenditure has been hundreds of thousands of pounds beyond their income; and yet they come before this Committee and say that a Vote of £40,000 is sufficient to balance the whole. The fact is that it is impossible for anyone who attempts to master the details of the Mercantile Marine Fund to make either head or tail of them, or to arrive at any satisfactory conclusion with regard to them. I very much regret that the noble Lord the Member for South Paddington (Lord Randolph Churchill) is not in his place on this occasion, because, if he were present, I should think he would use his influence in the endeavour to get the Government to agree to the appointment of a Committee next year for the purpose of inquiring into some of the Secret Service Votes in the same way as has been adopted with regard to the Army and Navy Votes in the inquiry which is now going on, and I am quite sure that if such a Committee were appointed it would find plenty of material in the Vote we are now discussing that would be well worthy of its investigation. I trust the right hon. Gentleman opposite (Baron Henry De Worms) will endeavour to afford some explanation to the Committee in reply to the questions I have submitted.

THE SECRETARY TO THE BOARD OF TRADE (Baron HENRY DE WORMS) (Liverpool, East Toxteth): I will endeavour to answer the points urged by the hon. Gentleman the Member for East Donegal (Mr. Arthur O'Connor); but I cannot promise to follow him into all the details he has laid before the Committee. In regard to this sum of £40,000, I would remind the Committee that it is no new proposal. By the 45 & 46 *Vict.*, it is provided that out of the moneys provided by Parliament an annual grant of £40,000 may be made to the Mercantile Marine Fund for a period of five years, and after the expiration of that period, such other sum as may be determined upon. The object of this grant was to assist the Mercantile Marine Fund, which has to depend on the light dues as its only annual source of income; and in case this source of income should prove insufficient Parliament very wisely determined to grant a sum of £40,000, so as to enable the Board of Trade to carry on the necessary works around our coasts, with a view of providing for the safety of our seamen and of our trade, on which the prosperity of our country so much depends. The hon. Member has asked me to give him some explanation as to what has been done with regard to this Fund, and I think I cannot do better than read a short Report on the subject which I hold in my hand. It says—

> "When the estimates on which the reduction of dues was made—*i.e.*, in November, 1883—the accounts for 1882-3, which showed an excess of receipts over payments amounting to about £20,000 a-year, were taken as a basis, and the balance on the Mercantile Marine Fund was then £427,000. The abatement was increased from 60 per cent to 70 per cent which was, of course, equivalent to one-fourth of the existing dues. On the 1st of April, 1884, the light dues were reduced to the extent of 25 per cent. The estimated loss for the two years 1884-6 was £216,000; but the actual loss turned out to be £32,000 less, or £184,000. When these reductions were made it was not foreseen that the expenditure for the construction and maintenance of lighthouses would expand. In the two years the increase of outlay under this head was £140,000. The effect was to destroy the excess of receipts over

payments and to reduce the balance by £276,000. The loss on miscellaneous items (receipts being short and payments in excess of average) had been £14,000. The loss by the Treasury arrangement (by which a grant of £40,000 a-year was made in consideration of the Board of Trade taking over certain duties) in the two years had been £27,000. The total loss to the 31st of March, 1886, was £317,000. During the year 1886-7 the remaining balance of £117,000 was exhausted, and the Board of Trade were obliged to contract a loan of £250,000 from Greenwich Hospital moneys for the purpose of carrying on the works. Of that loan it was estimated that a considerable portion had been expended on the 31st March, 1887, say about £80,000. The accounts for the year 1886-7 were, however, not yet complete."

Now, this Report would appear to show something very disastrous to the shipping interest; but I must remind the Committee that it has been the practice of the Board of Trade for many years to diminish the light dues whenever they found that the condition of the Mercantile Marine Fund was such as to allow it, and only to increase them when they have found that the Fund was not equal to the expenses which necessarily had to be defrayed.

Mr. ARTHUR O'CONNOR: Has there been any increase in the last two or three years?

Baron HENRY DE WORMS: In 1872 they were increased from 50 to 55 per cent, and in 1874 from 55 to 60 per cent. They have not always been reduced, but have sometimes been increased. In some cases there has been an abatement from 60 to 55 per cent, and then there has been a further reduction to 50 per cent, after which there was an increase to 55 per cent, and again from 55 per cent to 60 per cent. There was an increase in 1880, but since that time I need hardly point out that the condition of trade has been such that it would not have been possible to levy a very heavy tax upon shipping, and to the same reason the decrease of the Mercantile Marine Fund itself may be traced. The state of the shipping interest has been exceptionally bad during the last four years, and naturally the effect on the Mercantile Marine Fund has been very disastrous. The hon. Gentleman the Member for East Donegal has said that the accounts as presented do not show the real condition of the Mercantile Marine Fund, and I am bound to admit that that is the case. The reason is this—that in regard to our expenditure, we have works at present in progress, and there are the estimates for works we are bound to undertake; for at the present moment we have to pay £70,000 for the expenses of lighthouses, and shall have to incur a further expenditure of £90,000 for new works, making a total of £160,000, which, of course, does not appear in the account before the Committee, because it is not an actual outlay, but is one we shall have to make and which will appear in the accounts of next year. I must remind the Committee that on every occasion when there is a question of increased expense in connection with the lighthouses, harbours, and similar works, the Committee are only too ready to urge the Board of Trade on to make the increased expenditure. It was only the other day I had to defend the Department against an attack in reference to a proposal for increased expenditure at Holyhead Harbour. Therefore, I say it is impossible for the Committee of this House, if all these works are to be carried out at enormous expense, to be astonished at the Mercantile Marine Fund not continuing to wear that prosperous appearance which it presented some years ago. I am happy, however, to be enabled to inform the Committee that the trade of the country is improving. The amount received from the light dues is increasing, and if, as I earnestly hope may not be the case, this condition of affairs should not be maintained, it will be the duty of the Board of Trade to try some means of getting the Mercantile Marine Fund out of debt. Of course, we might pay off our debts by increasing the lighthouse tolls; but I must say that is not a thing which I should like to be called upon to do, nor is it one which I think would be at all likely to commend itself to the mercantile community. I should say that with regard to the Mercantile Marine Fund economy is misplaced. We have enormous interests at stake, and we only engage in works that are absolutely necessary; but the responsibility rests upon the Board of Trade of keeping the lighthouses all round our coasts in a state of efficiency, and when additional lighthouses are required, it is impossible for the Board of Trade to refuse them merely on the plea that they will entail considerable expense. I have now endeavoured, as far as I could consistently with the time at the disposal of the Committee, to answer the questions put by the hon. Gentleman the Member for East Donegal. I trust that the answers I have given have been sufficient to show that there has been no wasteful expenditure from the Mercantile Marine Fund, but that the large expenditure we have had to make has arisen from causes over which we have had no control.

Mr. ARTHUR O'CONNOR: The hon. Gentleman has by no means answered all my questions, although after the statement he has made I do not wish to press him further at the present moment. There is only one question I should like to put to him now, and that is with regard to the exemption of certain foreign vessels from light dues when they come into British ports for coaling purposes. A question in connection with this subject was raised some months ago, and no doubt the right hon. Gentleman is familiar with it. What was the decision arrived at by the Board of Trade I do not know, but the point was with reference to the case of a vessel which comes into a port entirely for coal, and it not being the custom to levy the usual light dues against the tonnage under such circumstances. A system has grown up lately under which a vessel on its way, say, to New York from Havre, will put in at Plymouth or Devonport or some other English port and lay in coal for the voyage, and make for that purpose the Southern port its headquarters for the time being, but in reality doing this as an excuse for getting rid of the charge as to light dues. Now, that certainly appears to me to be rather unfair to the home shipping interest, and I know that representations have been made to the Board of Trade upon the subject. The matter was under the consideration of the Board, but whether any decision was come to on the subject I do not know, and should be glad to be informed.

Baron HENRY DE WORMS: That question was fully gone into between the shipowners and the Board of Trade, and it was decided that whereas every vessel formerly had to pay the light dues, supposing it touched at one port and continued loading at another, the Board of Trade now exempt vessels if they fill up their bunkers, having partly filled at one port and completely filled up at another. In such a case the light dues formerly charged for both ports are not now imposed. This, I understand, is considered satisfactory.

Mr. ARTHUR O'CONNOR: But I put the case of a vessel coming from Havre and coaling at Plymouth.

Baron HENRY DE WORMS: If she breaks bulk she has to pay light dues, if she does not break bulk she does not pay.

Mr. CONYBEARE: I should like to call attention to a very interesting dinner which was brought before the House some time ago in connection with the Northern Lights Commissioners. It was a dinner that cost a considerable sum of money, and it is stated that on that occasion the guests drank wine which cost four guineas a bottle. I would suggest that a little dinner of that kind is one of the unnecessary items of expenditure which might be got rid of. I only mention it now because I should like to obtain some further information upon the subject. I was not able to get a satisfactory answer when I put the question some time ago. It was an expenditure which did not approve itself to the Auditor General.

Baron HENRY DE WORMS: In regard to the dinner to the Commissioners of Northern Lights, to which the hon. Member has referred, I would remind him that those gentlemen receive no salary whatever for the services they render. They have no pay at all, and they render very important services.

Mr. LABOUCHERE: The hon. Gentleman speaks as if he approved of what is complained of. He seems to think that because the Commissioners of Northern Lights receive no salary they are to be allowed to go to an inn and gorge themselves in the most disgusting manner, and at enormous expense, which is to be charged to the public funds. They are, in fact, to be allowed to swill down enormous quantities of wine—almost enough to load a ship—under circumstances such as have just been stated. I want to know whether we can raise a question on this subject upon the present Vote? If we can, I for one shall most certainly object to anything that will permit such horrible gourmandizing. If the Commissioners render services that deserve the recompense of a salary, by all means let them be paid; but do not let us assist in the encouragement of orgies such as these.

Mr. J. W. BARCLAY: I do not see why, under the circumstances, the Commissioners of Northern Lights should not be allowed to have an annual dinner, and I think it exceedingly mean for my hon. Friend here to complain of their having had one such dinner. It strikes me as being very absurd to make this the groundwork of a complaint.

Baron HENRY DE WORMS: I ought to point out to the Committee, that in Scotland the Northern Lights Commissioners, and in Ireland the Commissioners of Irish Lights are unpaid bodies. Some expenses are allowed them when incurred in anything they may do, but they receive no salary whatever; and it would be very difficult to get the services of gentlemen in Scotland and Ireland of the position occupied by the Commissioners of Lights for anything like the small sum that is expended once a-year upon a dinner.

Mr. ESSLEMONT (Aberdeen, E.): I would remind the Committee that the late Mr. Hume looked closely into this subject, and, after bringing it before this House, he moved that the Northern Lights Commissioners being an unpaid body, and having done their work so admirably, instead of having only one dinner they ought to have two. It so happens, however, that instead of partaking of two dinners, the Northern Lights Commissioners have only had one, in order to save expense to the country. I trust that after the matter has been so fully explained we shall hear no more of it.

Mr. CRAIG (Newcastle-upon-Tyne): It has been stated that an account is presented to this House showing the state of the Mercantile Marine Fund. I do not see where the cost of administering the lighthouses is stated, and surely the account ought to set that forth. Perhaps the right hon. Gentleman the Secretary to the Board of Trade will explain how this is?

Mr. MARJORIBANKS: I rise to Order. I would suggest to you, Sir, that this discussion is entirely irregular.

The CHAIRMAN: I think it is relevant to the subject-matter of the Vote before the Committee. This is a Vote which is fixed by Act of Parliament, and under the heading of the Mercantile Marine Fund would come the charge for lights, and also the charge for the dinner to the Northern Lights Commissioners, which, of course, comes out of the Fund. Therefore a discussion on that point may be brought within the Vote, though it may possibly be rather remote.

Mr. ARTHUR O'CONNOR: The balance against the Fund is stated at £40,000, and we have already obtained an admission from the hon. Gentleman in charge of the Vote to the effect that that statement is misleading, and that, instead of £40,000, the balance against the Vote is some hundreds of thousands, for which they have already gone into debt.

The CHAIRMAN: The balance against the Fund is put at £40,000.

Mr. ARTHUR O'CONNOR: I have the accounts in my hand.

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): The question of this Mercantile Marine Fund is a matter which was brought under my attention some weeks ago, and I think that these accounts require to be most thoroughly examined. I will therefore undertake that the subject shall be thoroughly examined, and it may be that very important decisions will be come to with regard to it. There can be no doubt that the Mercantile Marine Fund is in a very unsatisfactory position.

Dr. TANNER: After the assurance we have just received from the right hon. Gentleman the Chancellor of the Exchequer, might I be allowed to call attention to just one point? It seems to me a very extraordinary thing that we should be told that the Treasury has no control over these details. It seems to me that the surveyors did pass a number of ships lying at the various ports——

The CHAIRMAN: Order, order! This is quite irregular. The matter the hon. Member is referring to will come under the Board of Trade Vote.

Vote *agreed to.*

(13.) Motion made, and Question proposed,

> "That a sum, not exceeding £30,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for Her Majesty's Foreign and other Secret Services."

Mr. LABOUCHERE: I have a few words to say with regard to this Vote for Secret Service. This Vote has grown up during the last 20 years from the sum of £10,000 to the very large sum of £50,000. It first grew up to £14,000, where it remained for a few years, and now it has got up to £50,000. I object to the whole system upon which this Vote is obtained. It is not asked for by Parliament, and we are not told in what Departments it is expended. I admit that there may be circumstances under which it is necessary to expend money not directly sanctioned by Parliament; but I think we ought, at least, to know by what Departments it is used. We do not know whether the money is expended abroad or at home; whether for the Police Service or the Diplomatic Service; and that, I think, is an entirely wrong thing. We have the amount increased from £10,000 to £50,000; and, as a matter of fact, I do not think the main portion of it is spent in the Diplomatic Service. I have some knowledge of that Service, and know that exceedingly little is spent there. We may presume that a considerable amount is spent in looking after dynamiters and such like persons—those gentlemen in America whom Governments are so fond of parading here before us. If that is so, let us know it. Of course, we do not want a Minister to say "I spent so much in sending a man out to such a place," or "I devoted so much to bribing this or that man." That would be absurd; but if we are to have Secret Service money, we should not allow it to go on increasing year by year, nor should it be asked for in one grand total; it should be asked for under the heads of the different Departments who make use of it. I have given Notice of a Resolution to move the reduction of the Vote by £10,000; and I confess I should like to move a reduction by a considerably larger sum; but I am always anxious to be moderate in my demands, and suggest £10,000 as a species of compromise, and I am sure many will vote with me who would not support the reduction by a larger sum.

Motion made, and Question proposed, "That a sum, not exceeding £20,000, be granted for the said Services."—(*Mr. Labouchere.*)

MR. BRADLAUGH (Northampton): I trust my hon. Colleague will not insist on moving this reduction, for if he does the Committee will be put to the trouble of a double Division, for I shall certainly divide against the whole Vote. I divide against it on principle, and therefore ask him to withdraw his Motion for a reduction. I took the same ground last year, and do not think it necessary to repeat now what I then said; but I divide as a matter of principle, thinking that in a country like this we ought not to have a Secret Service Vote. I quite understand how it may be necessary to include different items of expenditure under the head of Sundries, the particulars of which need not be stated; but they ought at least to come under some sort of audit in connection with each Department.

MR. DILLON (Mayo, E.): There is one question in connection with this Secret Service Vote I think of some importance; it is this. We vote every year a sum of £50,000, so we are led to suppose that sum is required. The sum was doubled at the time of the dynamite scare, and we know that then there was great expense incurred in the Detective Service; and in the state of public excitement, any Vote that was asked for was assented to. But is it not utterly out of reason to suppose that you can spend the same sum in Secret Service year after year?

MR. JACKSON: The sum may not be expended in the year, and if not expended it is surrendered again.

MR. DILLON: Where does this appear?

MR. JACKSON: In the Appropriation Accounts. The hon. Member will find that there never has been £50,000 spent; the expenditure has ranged from £30,000 to £45,000.

MR. DILLON: It is very desirable that we should have on the face of these Estimates, when we are asked to vote this sum; the amount surrendered in the previous year, the Committee would then know the sum spent each year.

MR. JACKSON: The hon. Member is aware that I am already under a pledge to the House to give explanatory notes with the Estimates, and in regard to this particular Vote the note will give the actual sum expended in the last year.

MR. DILLON: Of course, that would be a very marked improvement, and some of my objection would be met, though my objection to the Vote cannot be altogether removed. One thing is remarkable in connection with the discussion of this Vote, and has struck me as absurd, and that is the amount of mystery with which the Vote is surrounded. I am reminded of the habit attributed to the ostrich, of sticking its head in the sand when pursued, when I see the amount of mystery that is indicated when there is an allusion to this Vote. Of course, we do not expect a detailed return of the expenditure; but if Ministers refuse to indicate generally the method in which the money is used, is there not one of them can get up and say—"I have examined the accounts, and I can certify that the money has been spent for useful purposes."

Mr. JACKSON: If I tell the hon. Member what are the facts, it may tend to clear his mind of some false impressions in regard to the Vote. I do not wonder at the impression, for unless he has examined the accounts, he might suppose from seeing the round sum set down in the Votes each year that the whole of it was expended. But that is not the fact, as going back on the figures for a few years will show. In the year 1885-6, the amount surrendered to the Treasury was £6,952 8*s.* 1*d.*; in 1884-5, the amount surrendered was £1,398; in 1883-4, £1,949; in 1882-3, £4,862; and in 1881-2, £10,471. These facts are shown on the face of the Appropriation Accounts.

Mr. LABOUCHERE: It seems to me it will be the same thing whether we take a Division on a reduction of the Vote or divide against the whole Vote; all we want is a protest. I will, with the permission of the Committee, withdraw my Motion.

Motion, by leave, *withdrawn.*

Original Question again proposed.

Mr. DILLON: Is there any Minister sitting on that Bench who holds himself responsible for the expenditure of the money, who will undertake to stand up and say—"This money has been honestly spent?" Is there anyone who looks after it?

Mr. GOSCHEN: The responsibility is divided between three or four different Ministers, to whom a portion of the Secret Service money is assigned according to their wants, and each Minister vouches for the money when spent. One Minister collects the demands of the Departments.

Mr. LABOUCHERE: Does the Minister state for what the money is expended, or is the expenditure entirely on the responsibility of the individual Minister?

Mr. W. H. SMITH: Entirely on the responsibility of each individual Minister.

Question put.

The Committee *divided:*—Ayes 137; Noes 42: Majority 95.—(Div. List, No. 367.)

Mr. W. H. SMITH: It will be for the convenience of hon. Members, I understand, if we now report Progress, and proceed to-morrow with the Scotch Votes in Classes II. and III.

Mr. BRADLAUGH: The English Votes in Class 3 will be postponed until after the Scotch Votes in that class?

Mr. W. H. SMITH: Yes. It will be convenient, having commenced Scotch Business, to proceed with it; but we break off at 11 to take the second reading of the Technical Instruction Bill.

Resolutions to be reported *To-morrow*

Committee to sit again *To-morrow.*

METROPOLITAN BOARD OF WORKS (MONEY) BILL.—[Bill 345.]

(*Mr. Jackson, Sir Herbert Maxwell.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Jackson.*)

Mr. BAUMANN (Camberwell, Peckham): I do not, of course, wish to prevent the House going into Committee on this Bill, because I believe the money is really required for the service of the Metropolis, though, I may observe, that, up to this point, no statement on behalf of the Metropolitan Board of Works has been vouchsafed to the House. But, considering the very large borrowing and lending powers asked for—this Bill, I believe, contains borrowing powers amounting to over £3,000,000—and, considering the rate to be levied by the Metropolitan Board of Works has now reached 7*d.* and a fraction in the pound, and considering, further, that the second reading of the Bill was allowed to pass the other morning, owing to the lateness of the hour, without any debate or discussion, I cannot help thinking we Metropolitan Members would be guilty of something like a dereliction of duty to our constituents the ratepayers of London if, before the House goes in Committee, we did not raise some discussion and make some remarks on the policy and expenditure of the Metropolitan Board of Works. I desire, before the House goes into Committee, to call attention to one or two anomalies in the relations between the Metropolitan Board of Works and this House, and to the conduct of Business of this kind in the House. The first anomaly I find in the fact that this Money Bill, this Budget of the Board, is introduced into this House by two Members of the Government, who are neither responsible for, or even acquainted with, the purposes for which the money is required. I do not mean to say, of course, that the items of the Bill have not been examined by some one on behalf of the Treasury, but let any hon. Gentleman ask the Secretary of the Treasury for an explanation of Clause 5, or the history of the Blackwall Tunnel, and it will be found that the Secretary to the Treasury will be obliged to refer to the hon. Member for the Knutsford Division of Cheshire (Mr. Egerton), a private Member of the House for an explanation. Of course, neither the Financial Secretary to the Treasury or the hon. Baronet the Member for Wigtonshire (Sir Herbert Maxwell) can give any explanation of the clause, for the good reason that they are not members of the Board who want the money, and therefore can say nothing as to the policy of the Board, or the financial condition of the Metropolis. I do not wish to say anything disrespectful of the two hon. Gentlemen to whom I have referred; but once every year, at all events, two Lords of the Treasury are content to figure as the financial dummies of the Metropolitan Board of Works. The anomalous relations between the Board and this House have always been felt to be inconvenient; but since the translation of the Chairman of the Board to "another place" these relations have become almost intolerable. Here we have a body like the Metropolitan Board of Works—and this is anomaly number two—which presents annually a Budget of £3,000,000 to the House, which lends large sums of money to Vestries, District Boards, Boards of Guardians, Metropolitan Asylums Board—to all the local bodies of London, which makes new streets, erects artizans' dwellings, builds bridges, makes tunnels, manages parks; which performs a variety of functions too numerous to mention, which is perpetually bringing forward Bills of importance, and yet this Board has never had in the House any official recognized representative. Why the Chairman of the Metropolitan Board of Works need not be a Member of Parliament at all. I believe the Predecessor of the present Chairman was not a Member at all, and even Lord Magheramorne when he sat in this House had no recognized official position, and was only allowed to answer questions in defiance of practice, by the indulgence and courtesy of the House. But he has now vanished under an unpronounceable title to "another place," and for a long time there was no one in the House to whom a Question could be addressed; but at last the noble Lord the Chairman of the Metropolitan Board of Works has appointed and deputed as his Successor my hon. Friend the Member for the Knutsford Division, whose competence I do not for one moment question—indeed, it is beyond question, and I congratulate him on his appointment as a deserved tribute to his character; but he will forgive me if I say that Angelo the deputy is not quite the same as the Duke himself. We could not well have a Chancellor of the Exchequer in the House of Lords and a Deputy Chancellor here; but here we have the Chairman in the House of Lords and a deputy here. Well, it may be said all these matters concerning the business of London are for the ratepayers of London, and not for this House. So they would be; so they ought to be, if the Metropolitan Board of Works were directly elective. But if these matters are the concern of the ratepayers, then I say, submit your Budget to the ratepayers. I am far from saying it would be wise or expedient to transfer all control over the Board of Works from this House to the ratepayers, for it should never be forgotten that London is the capital of the Empire. But what is not arguable is—and I address myself specially to Metropolitan Members—the fact that we, the Metropolitan Members, are the only protection the ratepayers have against the Board of Works; because the peculiarity of the Board's position in regard to this Money Bill, and, indeed, to all its public

Bills, is, that while, on the one hand, it escapes the control of the ratepayers, it often, on the other, escapes the ordeal of a Private Bill Committee upstairs. And this brings me to the last and not the least anomaly which disfigures the conduct of the business of the Board, the anomaly that its finance is separated from its policy, that its schemes go before one tribunal and its finance come before another. All the schemes of the Metropolitan Board of Works which involve questions of property are, in accordance with the Rules of this House, introduced as Private Bills, and are sent upstairs to a Private Bill Committee; but the money which is wanted for the carrying out of these schemes is obtained by this Bill introduced into this House by the Government as a Public Bill. Well, the inconvenience of this is obvious. Of course, in dealing with other public bodies or Companies, the Private Bill Committee has before it the financial as well as the engineering, or works, part of the scheme, and the Committee can overhaul the scheme as a whole; but when a Private Bill Committee comes to deal with a Board of Works proposal, it is told, "Oh, here is a beautiful scheme for the making of a tunnel under the Thames. It will cost so much; but never mind about that; the money will be provided by the Metropolitan Board of Works Money Bill which will be introduced by the Government." Then this House is told, "Here is the Metropolitan Board of Works Money Bill, which you must pass, because the money is wanted for schemes already sanctioned by Committees upstairs." So the Committee is asked to pass the scheme without a thought of the money, and this House is asked to vote the money without the scheme. Now, I venture to think and to say that that way of doing business is very unsatisfactory because it enables the Board by these means to escape all direct control whether from the ratepayers or from this House, because Metropolitan Members of this House are prevented from criticizing with any effect the clauses of this Bill. For this reason I will not attempt the task at this hour. But I may make the general remark as to the leading powers sought for in this Bill, that it seems to me the Metropolitan Board of Works and the local bodies that it feeds have got into the habit of mortgaging the rates with much too great facility. I have thought it my duty to draw attention to what appeared to me some anomalies in the conduct of the business of a great public body which has, on the whole, deserved well of the public. I say this with the greater emphasis in the face of recent scandals, and I hope that the anomalies may be remedied some way or other, but until such time as the Metropolitan Board of Works is directly elected by the ratepayers, I repeat, in my opinion, it is essential that the Chairman of the Board should sit in this House, and, if possible, he should have a recognized official position; and, if I may say so, to my hon. Friends who are Members of the Board, I do not think the Metropolitan Board of Works quite realize the enormous change in its own position, the altered position of the Board brought about by the passing of the Redistribution of Seats Act. When there were only 20 Metropolitan Members in the House it was no doubt easy to slip a Metropolitan Board of Works Bill through in the small hours, but now that there are 60 Members sitting for London constituencies, unless the Board shows a desire to consult the convenience of those Members, and the wants and wishes of their constituents, the Board cannot expect to find their Bills passed through the House with such facility.

COLONEL HUGHES (Woolwich): The hon. Member has been somewhat unjust to the Board of Works in his criticisms on the mode in which its Members are elected. The Metropolitan Board has nothing whatever to do with that, that was settled by the Act passed by Parliament in 1855, so I do not think the Board is a fair mark for the sarcasms levelled at it on this account. Then, Sir, as to the form in which this money Bill comes before you. The method of setting forth the accounts of which we have an elaborate specimen, was laid down in the 12th clause of the Metropolitan Loans Act. It was thought at that time a matter of interest, and well for the public to have information annually in the form of a statement showing how the rates had been mortgaged, and how far the redemptions had proceeded, and this statement finds a place in this Bill every year. This is prepared under Statute. I understand my hon. Friend to say he has no doubt that this money is really required by the

Metropolitan Board. But how did he arrive at this opinion? He said no statement had been vouchsafed to the House for what this money was required, but I suppose he has read the Schedules, and he must have come to his conclusion from that reading, for there every authority is quoted, and every Statute mentioned under which powers are granted. Information is given in very considerable detail, and upon this the hon. Gentleman must have come to the conclusion that the money was required. If that statement requires amplification there are Members in the House willing and desirous to give further information; but I assume, hearing nothing to the contrary, that this is not necessary now. As to the way in which the Metropolitan Board is represented in the House, allow me to say I am surprised at my hon. Friend's remarks. I thought we were all in favour of decentralization, and it seems a strange thing to hear my hon. Friend say the Metropolitan Board should be a Government Department. I thought we were all in favour of local self-government, but my hon. Friend, in a speech in which he says the Board ought to be elected by the ratepayers, advocates the creation of the Board into a sort of Government Department with a Representative in the House to answer all Questions that Metropotitan Members are disposed to put on Metropolitan affairs. There is something of inconsistency in his speech. Now, in regard to this money—it is required for the service of the Metropolis in respect to schemes sanctioned by this House, or in respect to contributions to Local Authorities authorized by the Government and sanctioned by Parliament as proper expenditure. The policy of the Board is the policy of Parliament, because all the expenditure is in consequence of Statutes passed for the regulation of the Metropolis. The Board introduces a Bill to obtain Parliamentary sanction for certain works, and the cost of the work is stated before the Committee. The reason why the money required for the tunnel works at Blackwall was not put in the Tunnel Bill itself was because we thought it more convenient to come to Parliament and ask for the whole of the money for the year than that the Board should put the money in its Bills for many purposes—sometimes for a tunnel, sometimes for a common, sometimes for a bridge, and so on. You would have to look through 50 Acts of Parliament before you could get at the amount of the expenditure; but here we show the expenditure as a whole, and give opportunity for the discussion of any item. It is, I believe, a much better plan than submitting the financial proposals in fragments. The Blackwall Tunnel Bill received the Royal Assent to-day; surely Parliament would not, in the same Session, authorize a scheme which, beyond doubt, if carried out, would greatly benefit the inhabitants of the East End of London on either side the river, and refuse to grant the money for carrying it out? The hon. Member says our annual budget is about £3,000,000, but our annual budget is much less, it is usual about £1,500,000; but it happens to be £3,000,000 this year, because of the addition of this Blackwall Tunnel. A discussion in regard to the Metropolitan Board must be regarded in connection with the interests of the ratepayers, and if the habit of attacking public bodies is indulged in towards the Metropolitan Board, that body can only be discredited at the expense of the ratepayers. We go on the Market and raise the money we require at 3 per cent, and our Stock stands as high as Consols. If you injure the credit of the Metropolitan Board of Works you injure the interests of the ratepayers of the Metropolis, and I would advise Metropolitan Members to be careful of attacks upon that body, which will only recoil upon their own constituents. No doubt, there are many points of interest in the Bill, and the Board will satisfy any inquiry; but I believe the House is not now desirous of going into the details. We have had to satisfy the Treasury, and with that authority we now ask Parliamentary sanction. The Government bring in this Bill, for theirs is the responsibility to see that the details in the Schedule correspond with the statutory powers of the Board; and this Government control is most useful. A great deal of the money required is for the renewal of powers previously granted. Large contracts have been entered into, especially in regard to sewage, on the faith of previous grants. The money has not been borrowed, and we ask to have the power renewed. The expenditure is subject to a public audit, and ratepayers may object to any part of it. The whole thing may be surcharged, even to the pockets of members of the Board. Surrounded as the whole transaction is by safeguards, I think the House may pass the Bill satisfied that there is no injustice to the ratepayers, and allow works of great public utility to be constructed.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): It may be for the convenience of the House if I state the circumstances under which we are responsible for the promotion of this Money Bill every year, and how it was that the practice was set on foot. I was Secretary to the Treasury in 1874-5, and at that time the Treasury was responsible for the auditing of the Metropolitan Board of Works accounts, and for seeing that the Board proceeded under their statutory powers. It was represented to me at the time that the practice of the Metropolitan Board then, in promoting Bills in Parliament which gave them the right to raise money on loan in respect to particular works, was accumulating an amount of liability, so far as the Metropolis was concerned, unknown to the ratepayers. When a bridge, or a tunnel, or a system of sewage was undertaken by the Board, they passed a Bill through Parliament—a Private Bill—containing all the powers for raising the money in respect to the particular work, the borrowing and taxing powers for that object. The result was that there were many concurrent powers running at the same time, and the gross amount of indebtedness was unknown to the inhabitants of the Metropolis. It appeared to the Government at that time desirable that all these powers should be brought into one focus in a statement made to Parliament every year of the unexhausted powers of the Metropolitan Board, of those terminated each year, and that this should be attached to an annual Bill, providing for the amount required in the year, not only for works incomplete, and for which authority had been given in previous years by legislation, but, also, for works, if any, which would be carried out within the year. Thereupon legislation was passed by Parliament, and the system which now prevails was adopted. Hon. Members will understand that nothing is provided for in this Bill to which Parliamentary sanction has not already been obtained. Subject to this Parliamentary sanction, it is the duty of the Treasury carefully to check the demands made by this Money Bill with the powers obtained by previous Bills promoted by the Board, and investigated by private Bill Committees. It was thought desirable that the Metropolis should be made aware in this statement of the total liabilities incurred year by year, and the statement accompanying the Money Bill introduced into Parliament each year, shows the whole of those liabilities. That is the extent to which the Government are responsible for the Bill. We are not responsible for the policy under which the powers are taken, but for the accuracy of the demands as agreeing with the statutory powers conferred on the Board by Parliament. My hon. Friend has referred to anomalies that exist in the procedure, and I admit the existence of anomalies in the organization and operations of the Board, but I do not think a remedy would be provided by the representation of the Metropolitan Board of Works in the House. I think it is far better for the Metropolitan Board to rely on the representation of any of its members who may be Members of the House, than that any Member of the Government should be entrusted with the duty of representing the views of the Board. I have thought it right to give this explanation, and I think it will be obvious that it is a great advantage to the ratepayers to have this annual financial statement, and not remain in ignorance of growing liabilities that might at any time lead to the imposition of a very heavy rate.

MR. SYDNEY BUXTON (Tower Hamlets, Poplar): I did not understand that the objection of the hon. Member for Peckham was to the control exercised by the Treasury; and I think that so long as the Board maintains its present non-representative character, it is essential that there should be such control, imperfect though it may be, over the expenditure. I was myself very glad to hear such a speech from that quarter of the House, and Metropolitan Members will agree with it in the main. The hon. Member pointed out an anomalous state of things in connection with the Board, but so far as I see, he has failed to draw the conclusion most of us here would draw therefrom—namely, that the only remedy is to have in London some central and representative authority directly responsible to the ratepayers in a way that the Metropolitan Board certainly cannot be under existing circumstances. The hon. and gallant Member for Woolwich seems to think that the policy of the Board is almost of a sacred character, which Members should not challenge or criticize; but while I admit the valuable work done by the Board, I must say their action is sometimes open to question. If we had some system in which the ratepayers had direct control, we should have the money of the ratepayers properly spent, and it would not be necessary for us to discuss the Metropolitan Budget in the House in the way it is now absolutely necessary it should be discussed. I do think that, considering that the House of Commons is the only way in which popular control of any sort or kind that can be exercised over the Board, that this Bill should come before us at a time when the 60 Metropolitan Members could have a full opportunity of discussing the important matters therein contained. One word further in reference to the remarks of the hon. Member for Peckham, on the Thames Tunnel. He pointed out that the expenditure under the scheme would be very great, and so far as I could gather from what he said, he seemed rather to object to that expenditure. But I would point out that the proposed tunnel is the only means of communication between the North and South of the Thames east of the Tower Bridge, which is not yet finished, and many of my constituents are five or six miles even from the Bridge. It costs many of the manufacturers in the Isle of Dogs as much to send goods to Greenwich as to send them to Sweden. This is a state of things that should be put an end to, and the £1,500,000 will be well spent upon a scheme that will bring great benefit to the whole of the East End of London. The West of London has received much from the ratepayers in recent times, and it is only right that the East End should have a means of communication across the river. I hope the discussion of this evening, the speech of the hon. Member for Peckham, and the speech from the First Lord of the Treasury, in which he acknowledged the very anomalous position of the Board of Works will do something towards that reform and towards the formation of a central authority on a representative basis which, I believe, every Metropolitan Member, Liberal or Conservative, regards as the essential thing to be carried out, however much we may differ in the actual reform we propose.

MR. COCHRANE-BAILLIE (St. Pancras, N.): I should like to say one word before the Financial Secretary to the Treasury speaks. I should like to point out one omission—namely, that there is no provision made for the acquisition of Parliament Hill. Only last year an Act was passed authorizing the Metropolitan Board to acquire that particular piece of land extending from Hampstead Heath, and power was also given to the vestries immediately concerned to make contributions towards the cost. The vestries have performed their part; they have promised Hampstead £20,000 and St. Pancras £30,000, on the understanding that the Metropolitan Board will fulfil its part. But so far as I can see, that Board has done nothing to carry out this scheme. It is not necessary for me—as this House last year fully concurred as to its utility—to go into details of the improvement, but let me say there must be no delay in regard to it. Those who have been engaged in the promotion of the scheme are well aware of the attendant circumstances which will not permit of any delay whatever. My object in rising is to impress on the Metropolitan Board not to delay if they intend to carry out the scheme for the acquisition of the Hill.

MR. WEBSTER (St. Pancras, E.): I would first point out to the hon. Member for North St. Pancras who last spoke that the reason why the Metropolitan Board of Works have not yet asked for Parliamentary powers to borrow £200,000 for the purchase of Parliament Hill is that at the present time they are pressed in every direction to carry out undertakings of this character, and if they acceded to every request—and these requests are urged on them in some cases by Members of Parliament—they would expend a sum of £10,000,000. At the present time, we are not aware whether the powers we have to receive a quota from the Coal and Wine Dues will be renewed. It may be asked, why, if we have delayed the purchase of Parliament Hill, we propose to spend a vast sum of money on the Blackwall Tunnel? Now, the question of making this important intercommunication has been pressed on the Metropolitan Board for many years past. It will be very useful to the East End of London—a district representing in trade and commerce a population greater than the combined populations of Liverpool, Manchester, and Birmingham. The population of the district of East London on the North side of the bridge is 894,000; and the combined populations of Manchester and Birmingham is 860,000; the population on the South side of London Bridge is 655,000, while that of Liverpool is 552,000. This question has been carefully considered by the Metropolitan Board. I am quite prepared to hear the argument that that Board is a non-representative body; but, Sir, to my mind, it is not absolutely so. The major portion of the gentlemen who sit on that Board are men who have sat for many years on local governing bodies in London, and who have been found to be men competent to serve on the central body. They have had their training in local government in smaller bodies, and it is their duty to go to those bodies from time to time and report upon what has been done by the central board. In many instances there has been great contests over the election of members of the Metropolitan Board, while many of those so elected have also had to fight an election in order to secure a seat on the local body appointing them, so that it is altogether wrong to say it is a totally non-representative body. Just look for a moment at the Ministry of the day. The Members of this House are elected, the dominant Party selects a Leader, who nominates certain men to sit in the Ministry. Of course, those nominated have to go back to their constituencies, and to be re-elected; but after all the constituencies simply ratify; they do not appoint similarly on the Metropolitan Board; we would be quite willing, after being elected on the Central Board, to go back to the general constituency to be re-elected. My hon. Friend has pointed out the fact that at the present moment the Chairman of the Metropolitan Board does not sit in this House. But let me remind him that on a former occasion not only was the Chairman of the Board not a Member of the House; but no single member of the Board had a seat in the House of Commons, whereas at the present time you have three Members sitting here, either of whom surely is able to answer any question that may be put as to the proceedings of the Board. Incidental reference has been made to what is called the "recent scandal." I should like to say it is not a "recent" scandal in the proper sense of the word. It is connected with a matter which occurred some years ago; we have had a thorough inquiry into the matter, and let me remind the House that there are occasionally—in the Army and Navy, in banks and in other institutions, where 400 or 500 men have to be looked after—small scandals.

MR. SPEAKER: Order, order! The hon. Gentleman is now getting rather wide of the mark in discussing on this Bill the past history of the Metropolitan Board of Works.

MR. WEBSTER: All right, Sir. ["Order, order!"] I will not refer any further to that fact. Before I conclude my remarks, I would point out to the House that this Money Bill has to be presented from year to year. The Board's present powers will expire on the 31st December, 1887, and unless this Bill is passed the Board's liabilities and contracts now in existence cannot be met. We are under a vast number of liabilities and contracts, and I am bound to point out that every year those liabilities are increasing owing to the action of Parliament itself. For instance, in this very Bill we have had to provide for a sum of £20,000 to be spent in connection with the Public Parks Bill, which has just passed this House. That means one-sixth of a penny in the pound, and Parliament from time to time throws fresh obligations on the Metropolitan Board of Works. We would not willingly spend one farthing of the ratepayers' money, but we are obliged to do what you order. We are an executive body; we have to carry out, to the best of our ability, the various Acts of Parliament. The Board does its work well; its debates are brief, and to the point. When you have the new Central Government of London, which will not have the check of the House of Commons which we have, I venture to say you will have a vastly increased expenditure.

Mr. JAMES ROWLANDS (Finsbury, E.): I do not think that there are any of us speaking on this matter who are prepared to say that the money asked for is not in all cases required and for good objects. We are thankful to the First Lord of the Treasury for the statement he made, and I think no one of us who holds a strong opinion against the constitution of the present Board does not also think that a very great improvement was made—and for the benefit of the ratepayers—when Parliament undertook that this annual budget of the Board of Works should come before it. But we do complain that the Central Authority for governing London should be so very badly constituted that the Government should consider it necessary for Parliament to give it this dry nursing every year. We in London believe that we are as capable of governing ourselves as are the people living in large Provincial towns. We only want to have a directly elective Board—one directly elected by the ratepayers, which shall control its own finances. Such a Board could be elected just as well as we can elect 60 Members of this House. I think the case, so far as we have had one made out by two hon. Members of the Board of Works who have seats in this House, is a very poor one indeed. They have entirely failed to grasp the point made by the hon. Member for Peckham, that the state of things in London has changed. They seem to fret under the criticisms directed against them. I should like to give them one word of warning, that if this Bill in future Sessions is not brought in at an earlier hour we shall have to take stronger action instead of confining ourselves to criticism, and I venture to say that in that stronger action we shall have a very strong public opinion at our back. I have yet to find that the Metropolitan Board of Works possesses the confidence of the ratepayers, for those ratepayers have never yet had a chance of showing whether or not they feel any confidence in it. A most amusing illustration of a thing which has no existence was given by the hon. Member for East St. Pancras. He said that Ministries in this House were formed out of the Party having the majority, and that the Ministers had to go back to their constituencies to get their appointments endorsed. The inference he drew from this—and I am sure I do not know where the point came in—was that they did not do this thing on the Board of Works, and that therefore there was some similarity between that Board and Parliament.

Mr. WEBSTER: I beg the hon. Member's pardon. What I said was that if each member of the Board was to go back to the parish where he had a seat on the Local Body to be re-elected, it would be an analogous case.

Mr. JAMES ROWLANDS: Unfortunately it does not take place, and when one uses an illustration in a speech, it is generally intended that it should point to an existing state of things, and it is not usually applied to a practical question as to what might occur if a totally different state of things existed. Now, Sir, with regard to this being an elective body in a certain degree, let us consider what its constitution is. The members of the Board are nominated by Vestries, District Boards, and the City of London, who may or may not be members of the bodies nominating them. The Vestry may choose someone outside their body, and who has never had any connection whatever with the ratepayers of that particular parish. I know that in a good many cases the local bodies do choose the members from among themselves, and I think that that is a very good thing; but, after all, that is only an accident. How is the Vestry itself constituted? Let us take, for instance, the Vestry of the parish represented by the Member for East St. Pancras. Why, the great majority of the ratepayers of that parish are not qualified to sit on that Vestry, because it is necessary to have a £40 ratal qualification. In one Division of the parish of St. Pancras a vast percentage—I should think at least five-sixths of the entire body of ratepayers—could not stand as Vestrymen if they wished, because their ratal qualification would be under £40. You have no representative system, and if our Friends from the Provinces on both sides of the House will just give a little attention to the wants of London, they might usefully employ some of the time of the House which is wasted on other matters. An hon. Member opposite said just now—"Do not attack the Board of Works; do not say anything against them, or else down will go their credit." Just fancy that! The credit of which he boasted so much is to go to smithereens if we criticize a Money Bill! Does he really think that that credit depends on the constitution of the Board? What is it the credit relies upon? The credit is that of the ratepayers of London; and to interfere with that credit and bring it down, you must do something which will affect the stability of London itself. You can abolish the Metropolitan Board of Works altogether, and I venture to think that the people of London will not even shudder at it, and the effect on credit will be to improve it rather than otherwise. I do not like this Bill, nor the way in which we are called upon to vote this money; it is too late an hour at which to deal with so important a question. The Metropolitan Board of Works year by year spend an enormous sum of money on sewerage; but if we had a directly-elected body, you would have that important question properly dealt with. You would have the necessary amount of public attention drawn on it, schemes for dealing with it would receive consideration, and people would see how money was now wasted on that. An attempt would be made to utilize the sewage. This is one of the questions which will have to be thoroughly discussed in public, and by a thoroughly representative authority, before the people of London will be satisfied. Now, with regard to the confidence which we are told the Metropolitan ratepayers have in the Board of Works, why if one takes up the papers day by day you will see that there are members of the Board who are under very grave charges. A City paper last Saturday had a series of interrogatories for which it demanded the attention of the members. Members of only two years' service cannot, I know, speak with authority on what has taken place; but I am confident of one thing, and that is that before long the whole of the transactions of that Board will have to go before a Royal Commission. The Robertson scandal is only the commencement of it, and it is because I think good is to be done by drawing attention to this Board that I have said these few words.

Mr. EVELYN (Deptford): It is not my intention at this hour of the night to continue the discussion at any length; but I venture to say that the remarks of the hon. Member who has just sat down have very little bearing on the matter before the House. He speaks of the scandals of the Metropolitan Board of Works, and he appears to me to look forward to the possibility of future scandals. I shall not deal with such topics, because I do not think that they can be properly discussed on this occasion; but I do desire to make some remarks with regard to points that have arisen in the course of the debate. In the first place, I think we are very much indebted to my hon. Friend for the manner in which he has brought this matter forward. We have had from the right hon. Gentleman the First Lord of the Treasury a very interesting account of the system on which the Board was formerly managed. As to the present system, it is admitted that there are anomalies in it, and I do not wish here to go into that matter. But when my hon. and gallant Friend the Member for Woolwich got up to answer the speech of the hon. Member for Peckham, I cannot help thinking that he avoided grappling with the real arguments that were advanced. My hon. Friend the Member for Peckham did not enter into the question of the present mode of electing the Metropolitan Board of Works, nor did he make the absurd assertion that there is no statement of the purposes for which this large amount of money is demanded. Of course, we have in the Schedule a full account of the purposes to which the money is to be applied. But the hon. and gallant Member for Woolwich seemed to entertain the superstitious feeling that the Metropolitan Board can do no wrong—in fact, he seems to claim from us greater confidence in the Board than, judging from the reports in the newspapers, that august body has in itself. Now, let me refer for a moment to the provision in the Bill dealing with the Blackwall Tunnel. I have put down a Notice adverse to that project; but I consider that the thing is practically decided as the Bill for it has received the Royal Assent. I cannot agree with the hon. Gentleman opposite, or with my hon. Friend the Member for East St. Pancras, as to the great advantages of this scheme; in fact, I have as little faith in this hole under the Thames as I have in the hole projected under the Channel. Speaking on behalf of those I have the honour to represent, I can only say that the people of Deptford do not expect any great advantage from the tunnel; they would much have preferred a free ferry from Deptford to the Isle of Dogs, which would only have cost £4,000 or £5,000, as compared with the £1,500,000 or £2,000,000 which will be expended on the tunnel. Surely, Sir, this tunnel project should not be allowed to pass *sub silentio;* and Her Majesty's Government should give us some account in regard to so gigantic a scheme. I do not see why the Metropolis should bear the whole cost of it, as it is intended that the Government should make use of it. Then as to the phraseology employed in the Bill. I wish to know if it is consistent with Constitutional usage? Is it right to ask us to vote money for a project which does not become law until it has received the Royal Assent? I know that, as a fact, the Bill received the Royal Assent to-day; but I would suggest, as a verbal Amendment, that we omit from Sub-section 2 of Clause 9 the words "if it becomes law." In Sub-section 4, the same words recur, and in reference to the London Parks and Works Bill, which has not received the Royal Assent, but which is now before the House of Lords, is it quite respectful on our part towards the Crown to presume that the Bill will not only pass the Lords, but that it will receive the Royal Assent? I do not like to vote money on any such assumption. To the list of anomalies mentioned by the hon. Member for Peckham may be added the greatest of all—that at this late hour we should be called on to discuss a Bill of this important character, and one which so nearly and intimately concerns our constituents.

Question put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 4, inclusive, *agreed to.*

Clause 5 (Power to expend moneys for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1887, the Thames Tunnel (Blackwall) Act, 1887, the Artizans, &c., Acts, and the London Parks and Works Act, 1887).

Amendment proposed, in page 3, line 35, omit the words "if it becomes law."—(*Mr. Evelyn.*)

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.): I hope my hon. Friend will not press this. It is perfectly true, as he says, that it would make this clause in accordance with facts, and it is also true that in the subsequent clause you have another anomaly arising from similar words applied to a matter which has not yet received the Royal Assent. I would further point out it would be undesirable to lay down a precedent on this occasion. My hon. Friend will see that if compulsory powers to take property are given by Parliament in this Session, it is only reasonable that Parliament should simultaneously make provision to pay for it.

Amendment, by leave, *withdrawn.*

MR. SYDNEY BUXTON (Tower Hamlets, Poplar): I see £20,000 has been put down for the Metropolitan Parks, which have just been transferred to the ratepayers. The Committee will, perhaps, remember that the First Commissioner of Works, when he introduced the Parks Bill, stated that the Parks would be handed over to the ratepayers free of all charge; yet here this £20,000 seems to be capital expenditure. I wish to know how it is that the promise of the First Commissioner of Works has not been kept, and that the ratepayers are to be saddled with this sum of £20,000 capital expenditure, in addition to the annual cost of maintenance?

MR. JACKSON: I think my hon. Friend is under a misapprehension as to this capital expenditure. The Bill itself, which has passed this House, states that the Parks pass to the Metropolitan Board of Works as they stand without charge; but it is necessary to make provision in this Bill for the expenditure for the remainder of this year. The Government, of course, will meet the charges which accrue during the remainder of the period that the Parks remain in their hands.

Clause *agreed to.*

Clauses 6 to 9, inclusive, *agreed to.*

Clause 10 (Special powers to expend money for purposes of main drainage and main sewers).

MR. ISAACS (Newington, Walworth): I rise to protest against the expenditure of £370,000 for fouling the River Thames, and I ask the hon. Member in charge of the Bill under what special power the Metropolitan Board expend this money? I can understand in regard to bridges, tunnels, and other matters they submit their scheme and the Committee passes it; but it seems to me they also have the power to go on from year to year expending sums to which there appears no limit under the generic title of Main Drainage Works. I do not hesitate to say that the proposed expenditure of £370,000 would be a wicked and wanton waste of the ratepayers' money. It will utterly fail to do what it is intended to do, and, if persisted in, the river will be a worse receptacle of filth than it is at the present moment. It is idle to allow the Board of Works to go on peddling with this subject, they not having the courage to deal with it in a broad and comprehensive manner. I do not know whether it is in my power to move the omission of the clause. I certainly think it should be expunged, and that the Board should not be allowed to spend the money.

Mr. WEBSTER: It was only last Saturday I went down to Barking and Crossness, and I can assure the hon. Member that the works are being carried out on a gigantic scale. At Barking there are 1,200 men at work upon enormous tanks for precipitating purposes, and a large number are employed at Crossness. We propose barging a portion of the sludge to sea, and one steamer is already constructed for that purpose; and we hope to make the sludge available for agricultural purposes, and I am sure the hon. Member would be surprised at the trouble and the amount of investigation undertaken by the Thames Sewage Committee of the Board. How the sewage is to be disposed of has occupied the unremitting attention of the Board's Committee, and they have consulted the most eminent chemists in this and other countries. The expenditure was first pressed upon the Board by the Report of a Royal Commission, and it will be less than the Report of the Commission anticipated. I know there are great complaints of the state of the Thames during the summer months; but let hon. Members remember that it is not many years ago that they could not use the Terrace or the Embankment owing to the effluvia from the river, and now they can. I appeal to them whether the state of the river is not much better here, and it is gradually becoming better lower down. When we have thoroughly completed the works we have in contemplation, hon. Members may find it possible to catch salmon off the Thames Embankment, although I need hardly say I will not guarantee that such will be the case.

Clause *agreed to.*

Remaining Clauses *agreed to.*

Schedule 1 *agreed to.*

Schedule 2.

Mr. LAWSON (St. Pancras, W.): I believe it was agreed, when the Parks were handed over to the Board by the Office of Works, that the transfer should be free absolutely from any debt or liability. If so, I cannot understand the item of £20,000 which has to be paid on capital account.

The CHAIRMAN: I do not see how that question arises on the 2nd Schedule.

Mr. LAWSON: It deals with the Parks.

The CHAIRMAN: No; it does not arise on the Schedule.

Schedule *agreed to.*

Preamble *agreed to.*

Bill *reported*, without Amendment; to be read the third time *To-morrow.*

AGRICULTURAL HOLDINGS BILL.

(*Mr. Channing, Mr. Arthur Williams, Mr. Cobb, Mr. Francis Stevenson.*)

[BILL 87.] SECOND READING.

Order for Second Reading read.

Mr. CHANNING (Northampton, E.): In moving that this Order be discharged, I wish to express the hope that, as the Government have persistently blocked this Bill, and as they have done nothing themselves for the tenant farmers of England this Session, they may take into consideration the advisability of reremembering the existence of the English farmers before next Session.

Motion made, and Question, "That the Order for the Second Reading be discharged,"—(*Mr. Channing,*)—put, and *agreed to.*

Order *discharged.*

Bill *withdrawn.*

MOTIONS.

LOCAL AUTHORITIES (EXPENSES) BILL.

On Motion of Mr. Ritchie, Bill to amend the Law relating to Expenses of Local Authorities, *ordered* to be brought in by Mr. Ritchie, Mr. Jackson, and Mr. Long.

Bill *presented*, and read the first time. [Bill 361.]

CHARITY COMMISSIONERS (OFFICERS) BILL.

On Motion of Mr. Jackson, Bill to amend the Charitable Trusts Acts, 1853 to 1869, so far as respects the Officers of the Charity Commissioners for England and Wales, and the Official Trustees acting under those Commissioners, *ordered* to be brought in by Mr. Jackson and Mr. William Henry Smith.

Bill *presented*, and read the first time. [Bill 362.]

EXPIRING LAWS CONTINUANCE BILL.

On Motion of Mr. Jackson, Bill to continue various Expiring Laws, *ordered* to be brought in by Mr. Jackson and Sir Herbert Maxwell.

Bill *presented*, and read the first time. [Bill 363.]

PUBLIC WORKS LOANS BILL.

On Motion of Mr. Jackson, Bill to grant money for the purpose of certain Local Loans; and for other purposes relating to Local Loans, *ordered* to be brought in by Mr. Jackson, Mr. Chancellor of the Exchequer, and Sir Herbert Maxwell.

Bill *presented*, and read the first time. [Bill 364.]

House adjourned at twenty-five minutes after Two o'clock.

HOUSE OF LORDS,

Tuesday, 9th August, 1887.

MINUTES.]—SAT FIRST IN PARLIAMENT—The Lord Bagot, after the death of his father.

PUBLIC BILLS—*Second Reading*—Settled Land Act (1882) Amendment (220); Stannaries Act (1869) Amendment (221); Turnpike Roads (South Wales) * (207).

Committee—Licensed Premises (Earlier Closing) (Scotland) (183-223).

Report — Criminal Law (Scotland) Procedure (No. 2) * (209).

Third Reading—Margarine (Fraudulent Sale) (205-224), and *passed.*

LICENSED PREMISES (EARLIER CLOSING) (SCOTLAND) BILL.

(*The Earl of Camperdown.*)

(NO. 183.) COMMITTEE.

Order of the Day for the House to be put into Committee, read.

Moved, "That the House do now resolve itself into Committee upon the said Bill."—(*The Earl of Camperdown.*)

LORD DENMAN said, he rose to protest against measures of this kind, and he thought that Bank Holidays were not suited to the people of Scotland.

THE EARL OF CAMPERDOWN: I should like to call the noble Lord's attention to the fact that he is talking about another Bill altogether—the Agricultural Labourers' Holidays Bill.

LORD DENMAN said, he was intending to refer to the Licensed Premises Closing Bill. When last a measure of this kind was before their Lordships' House, the noble Viscount in charge of it proposed to make provision for public-houses in large towns being kept open later than the houses in smaller towns. That, to his mind, was a very good principle to go upon, but in the present Bill it was entirely ignored. The noble Earl (the Earl of Camperdown) evidently did not desire to pay much attention to the speeches; he thought to ignore them, and he was trying to extinguish their humble servant, who laboured under the disadvantage of never having been reported. This, to his mind, was a great advantage, as there was an opportunity for him to correct his speeches for *Hansard,* and he probably avoided uncouth language; but he vowed he had never added to his speeches. He was quite convinced with regard to this measure that it was entirely unnecessary; it had been pronounced unnecessary by a Petition from Dunbar, and had been condemned by Mr. Shirreff, sheriff of Haddington, as likely to increase shebeen houses. He thought it much better to leave well alone, and not to endanger the Forbes McKenzie Act by an innovation which unsettled everything, and in making the hours dependent upon a debate of the magistrates quite uncertain; and he could not, therefore, understand why their Lordships should proceed with it. They might endeavour to amend it, but those who opposed it would have an opportunity of voting against it on the third reading.

Motion *agreed to.*

House in Committee accordingly.

Clauses 1 to 3, inclusive, severally *agreed to.*

Clause 4 (Alteration of certificate forms).

THE EARL OF WEMYSS said, he desired to call attention to the fact that, as the law now stood, there was a discretionary power in Scotland by which the Justices or Licensing Bodies might close a district, or part of a town, or part of a county, at 9 o'clock if they chose to do so, and he desired to know if this power was affected by the Bill?

THE EARL OF CAMPERDOWN asked in what Act the power was given to which the noble Earl referred?

THE EARL OF WEMYSS replied that he could not say, but he knew that it was absolutely the law, for there had been an appeal to their Lordships' House on the point. The power was applied to a whole town or county, and on an appeal it was decided that the power had been exceeded, and that it could only be exercised with regard to part of a town or part of a county. With regard to the subject generally, he thought it would have been more desirable that the whole licensing question should have been hung up until local government had been dealt with by the Government. What his noble Friend proposed as a great improvement in some parts of Scotland would be simply intolerable in others. In many parts of the country districts it would be simply intolerable that public-houses should be shut up at 10 o'clock of a night, and the same would be the case in large towns. It was his intention to move on the third reading that towns of 50,000 inhabitants in Scotland and upwards should be exempted from the provisions of the Bill. Of some parts of the country it might be said they were like a large Empire. At certain periods of the year in Scotland the sun never set, and it was intolerable that in those districts where golf was largely played too, a man should not be able to get a glass of beer after a certain period of the evening. Therefore there ought to be a large discretionary power vested in the magistrates, and it was essential also that it should be exercised freely by them, not only in the districts to which he had referred, but in the large towns. While approving of the proposal of the noble Lord under the circumstances in which they were placed, he must confess that he did not like the measure at all; but as the Government were willing to let it pass, if they could not get all they wanted they must take what they could get. At the same time, he was desirous that the old power which was in existence at the present time should not be superseded.

THE EARL OF CAMPERDOWN said, he rose to move the omission of the words "ten of the clock at night of any day," and the insertion of the following words in substitution—"such hour at night of any day, not earlier than ten and not later than eleven, as the licensing authority may direct"—thereby giving the local licensing authorities discretion as to the hour of closing in their respective licensing districts. The Amendment carried out the arrangement which he had on the second reading of the Bill expressed his willingness to accept. The Amendment had for its object the leaving to the licensing authority in each licensing district in Scotland a discretionary power to make the hour of closing any time they might think best, being not earlier than 10 o'clock at night and not later than 11 o'clock. The Amendment took the present hour of closing of 11 as the latest hour at which the public-houses should be closed, and it took 10 o'clock, which was the hour of closing mentioned in the Bill, as the earliest hour at which the authorities might direct the houses to be closed. It was unnecessary for him to say much to their Lordships in regard to the Amendment, and he had only a few words to add to the remarks he had made the other night. No doubt, a very great deal of public attention had been bestowed on this question of early closing; but he was inclined to agree that it was inexpedient that Parliament should fix one hour for the closing of all public-houses. It was better to be guided by public opinion; yet, if there was any doubt as to what the public opinion of a district was in such matters, the best and most reasonable mode of settling the question was to hand the subject over to the local authorities to decide. Considering all the circumstances, the Amendment offered the best solution of the difficulty in the present instance. The Bill, he understood, was rather anticipatory of legislation upon this subject which was likely to be passed by Parliament within, he hoped, a very short time; and he would only further say that the Amendment was an arrangement which was recommended to the House last year by the noble Marquess (the Marquess of Salisbury) in reference to the Durham Closing Bill, for the Leader of the House then said that he would hand over to the local authorities the power of allowing them to decide whether the measure should be carried into operation or not.

The PRIME MINISTER and SECRETARY of STATE for FOREIGN AFFAIRS (The Marquess of Salisbury): Will the noble Lord state what it was that I proposed to hand over?

The Earl of CAMPERDOWN could not say, unless it was the carrying out of the provisions of the Bill in question.

The Marquess of SALISBURY: You only refer to the question of the earlier closing of houses on Sunday evening.

The Earl of CAMPERDOWN said, that the noble Marquess, at any rate, accepted the principle of giving a discretionary power to the local authorities, with the further power to return to the former state of affairs if the experiment was unsatisfactory. That was what the Amendment proposed to do, for if the local authorities found the hour for earlier closing they fixed upon was not a success it would be in their power to alter the hour to 11 o'clock or any other time.

The SECRETARY for SCOTLAND (The Marquess of Lothian) said, that, speaking in his individual capacity, and not as a Member of the Government, he approved of much that had been said by the noble Earl, and particularly that legislation of this kind ought to be postponed, if it was necessary at all, until a Bill dealing with the whole question was introduced into Parliament. But, considering the large amount of support—the almost unanimous support which the measure had received in the other House from the Scotch Members—and also the proposal which was made the other evening that an Amendment such as that which the noble Lord had proposed should be inserted in Committee, he did not wish personally to offer any opposition. He doubted very much whether the Bill would prove very satisfactory when its provisions came to be practically applied. The Local Option proposed to be inserted by the noble Lord was one which on the whole they might accept, although the measure itself was not one which he cared very much for. As the noble Earl (the Earl of Wemyss) had pointed out, there was no exception made in the case of the large towns, and the Motion which the noble Earl had stated his intention to move on the third reading was one which had his approval. He considered that it would be very injurious to those towns if no exception were made in their case. In saying this he hoped that it would be clearly understood that he had no desire whatever to interfere with the cause of temperance, or that he did not desire to promote it in every way he could. On the contrary, he desired to second, to the utmost possible degree, anything which would tend to further the cause, and his only fear was that class legislation of this kind would have the effect of retarding it; and most people would admit that there were great dangers attending isolated efforts at legislation of this description. Notwithstanding this, he was not prepared to offer any opposition to the progress of the measure, considering the manner in which it was passed by the other House of Parliament.

Amendment *moved,*

In page 2, lines 22 and 37, to leave out ("ten of the clock at night of any day"), and insert, in page 3, line 8 ("such hour at night of any day not earlier than ten, and not later than eleven, as the licensing authority may direct").—(*The Earl of Camperdown.*)

Amendment *agreed to.*

The Duke of ARGYLL said, he did not altogether sympathize with the remarks made by the Secretary for Scotland (the Marquess of Lothian) or by the noble Earl (the Earl of Wemyss) with regard to the Bill. He did not feel so absolutely certain about early legislation on the question of local government that he should wish measures like the present to be postponed until that time. He, at the same time, quite understood the Earl of Wemyss' contention. The principle which the noble Earl had always tried to go by was that the management of public-houses should be entirely a question of police—that was to say, that there should be no interference with the drink traffic except when it resulted in crime, or in such a state of matters as was likely to lead to the commission of crime. That was an intelligible position. The experiment, he believed, was once tried in Liverpool, when absolutely free trade in drinking was tried, checked only by the power of the police to hold in check crime and vice of any kind, or such drunkenness as would endanger the community. He was quite certain that that was not a principle on which legislation of this description could be undertaken, and he approved of the principle of earlier hours. He looked upon every public-house as a separate centre of temptation. There was a great deal of vice and misery and poverty caused by drinking, short of crime, which no police regulations could possibly take any notice of. With regard to the question of hours, whether public-houses should close at 10 or 11 o'clock, that was a matter of detail. It was quite true that in summer there was practically no night in some parts of Scotland, and this year in one part of Scotland he had been able to read small print at midnight. Still, he had never heard of the game of golf being played at that late hour. It appeared to him that large centres of population were exactly the places where the power given by the Bill was required, and he regretted to hear the Notice given by the noble Earl to exempt places with 50,000 inhabitants from the Bill.

Amendment *agreed to;* other Amendments made.

THE EARL OF CAMPERDOWN said, he wished to call attention to the last paragraph, which had reference to the hours during which grocers might keep their premises open. He did not think it would be right at this stage to propose any Amendment, but at the same time it was a matter for Parliament to consider whether all persons dealing in spirituous liquors ought not to close their premises at the same hour. At present, although grocers were compelled to close their premises at the same hour as licensed victuallers, yet for all other purposes they could carry on their trade. It was quite evident that it would be impossible to detect the sale of liquor in small quantities under such circumstances. The present law on the subject gave rise to well-founded complaints on the part of licensed victuallers and others that it was impossible to know whether or not a grocer who was allowed to keep his premises open after the hour at which the sale of spirituous liquors must cease was guilty of an infraction of the law.

Clause, as amended, *agreed to.*

Clauses 5 to 7, inclusive, *agreed to.*

Clause 8 (Construction of Act).

Amendment *moved,*

In page 3, line 27, at end of clause, add—"In this Act the words 'the licensing authority' shall mean the magistrates of a burgh and the justices of the peace of a county in quarter sessions assembled within their districts of jurisdiction respectively." —(*The Earl of Camperdown.*)

LORD BALFOUR asked if the noble Earl was quite sure as to his definition, and whether he had taken any legal advice as to it?

THE EARL OF CAMPERDOWN said, he had not.

LORD BALFOUR said, he hardly thought the new clause necessary, for "the licensing authority" was an expression which required no definition. There were two kinds of burghs in Scotland—the Royal, in which the magistrates had the right to license; and the police burghs, in which the magistrates had not the right, but which were under the county. Under these circumstances, he thought the words "the magistrates of a burgh" were likely to mislead. He would not go so far as to oppose the new clause, but he hoped the noble Lord would take a legal opinion before the next stage.

THE EARL OF CAMPERDOWN said, that possibly there was something in the objection of the noble Lord, and he would make inquiries at the Scottish Office on the matter. The County Justices acted as an Appeal Court, and as it was desirable that the matter should be settled once for all by the general licensing authorities, whoever they might be, it had been deemed advisable to insert the words "in quarter sessions assembled."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Remaining Clauses *agreed to.*

The Report of the Amendments to be received on *Thursday* next; and Bill to be *printed* as amended. (No. 223.)

THE EARL OF WEMYSS gave Notice that on the third reading he would move an Amendment to the effect that the Bill "shall not apply to any burgh, town, or populous place containing 50,000 inhabitants or upwards."

THE EARL OF CAMPERDOWN: I wish to say that I shall oppose that proposal.

SETTLED LAND ACT (1882) AMENDMENT BILL.—(No. 220.)

(*The Lord Macnaghten.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD MACNAGHTEN, in moving that the Bill be now read a second time, explained that it reproduced an important provision which had been included in the Land Transfer Bill. That measure, as their Lordships would remember, was approved by them, but subsequently abandoned in "another place."

Moved, "That the Bill be now read 2^a."—(*The Lord Macnaghten.*)

THE LORD CHANCELLOR (Lord HALSBURY) supported the Motion. His main feeling with respect to this Bill was that of a bereaved parent; for the measure was in reality part of the Transfer Bill which he had introduced in their Lordships' House earlier in the Session.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

STANNARIES ACT (1869) AMENDMENT BILL.—(No. 216.)

(*The Lord Steward.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF MOUNT-EDGCUMBE (LORD STEWARD of the HOUSEHOLD), in moving that the Bill be now read a second time, said, that the Bill had come from the other House. It had reference to the mines within the Stannaries of Devonshire and Cornwall. An Act was passed in 1869 reconstituting the machinery of the Stannaries Court, and provision was also made for securing to the working miners employed by a Company priority as creditors in the event of the Company being wound up. By the present Bill it was proposed to protect the miners still further by assuring the payment of their wages even when a man was distrained upon. The wages would, in fact, constitute a first charge upon the mine. The Bill had met with general support from landowners and mine-owners. There were clauses referring to the protection of working miners and to the priority of wages, which were to be paid fortnightly instead of monthly, either in money or in "subsist;" other clauses gave the miners control over the deductions from wages and entitled them to appoint check-takers. The Bill also provided for the registration in the Stannaries of all mortgages, leases, and assignments of leases, so as to provide a greater security than now existed for all those who had to do with mining affairs. Periodical meetings of mine-owners were also prescribed, and the machinery of the Stannaries Courts were, to some extent, remodelled. He trusted their Lordships would give the Bill a second reading.

Moved, "That the Bill be now read 2^a."—(*The Lord Steward.*)

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

MARGARINE (FRAUDULENT SALE) BILL.—(No. 205.)

(*The Lord Basing.*)

THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^a."—(*The Lord Basing.*)

Motion *agreed to;* Bill read 3^a accordingly, with the Amendments.

On Question, "That the Bill do pass?"

LORD DENMAN, in moving to leave out the syllable "marga" wherever the word "margarine" occurred, so that the substance referred to should be called "rine," said, that was the name given by the trade to substances known as butterine and margarine. He produced the Amendment which he had waived on the Report, and said that he was deeply interested in this question. He had received this morning the monthly account of butter sold to the provision merchant. It began with 8*d.* per lb. and ended with 1*s.* 2*d.* per lb. He had paid 14*s.* 8*d.* for carriage of the butter to Derby; he had been offered 1*s.* 6*d.* per lb. in Ashbourne for the last two weeks, but preferred not to interfere with his immediate neighbours. He had seen Mr. Law, of Edinburgh and London, and had inquired as to mixed chicory and coffee. He found that if sold as coffee it was warranted genuine; but if mixed in any way it had to be stamped with a simple stamp—which he produced. He hoped that if the Bill went unaltered to the House of Commons an Amendment on their Lordships' Amendment might be inserted to make the Bill workable.

Moved, In page 1, in title, to leave out ("Marga.")—(*The Lord Denman.*)

THE EARL OF ROSEBERY was not in a position to support the noble Lord; but he much preferred the name proposed by the noble Lord to that which their Lordships had fixed to it, for it was a new name distinctly for the article. Margarine had nothing whatever to do with the article, which, up to the present, had been known as butterine.

THE EARL OF CAMPERDOWN wanted to know what the real margarine was to be called? Some distinctive name ought to be given to the substance dealt with by the Bill, and in Lancashire it was known as "rine," which was probably not a bad name.

LORD BASING said, he did not apprehend any difficulty, as what the noble Lord called the "real margarine" was only the subject of wholesale dealings, and was unknown to the retailer or consumer at all. He hoped their Lordships would retain the word "margarine."

LORD BRAMWELL thought that some alteration ought to be made. He doubted whether the true "margarine" was within the Bill at all. The Bill only included matters which were prepared in imitation of butter. Now, true margarine was not a bit like butter. Thus the Act passed for the prevention of the fraudulent sale of margarine would not touch margarine at all.

EARL FORTESCUE said, that the difficulty had somehow been got over in America. The term "oleomargarine" comprehended there by law margarine, butterine, suine, and a variety of other compounds. That was the legal designation in the United States.

THE EARL OF WEMYSS said, that if his noble Friend went to a Division he should have no hesitation in supporting him. He preferred a true definition like "rine" to an absolutely false one like "margarine."

LORD FITZGERALD hoped their Lordships would not accept the Amendment, which he regarded as another attempt by the pertinacious opponents of the Bill to defeat it.

On Question, "That ('Margarine') stand part of the Bill?"

Their Lordships *divided:*—Contents 29; Not-Contents 9: Majority 20.

On the Motion of The Earl of WEMYSS, the following new Clause inserted:—

"Where an employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the Court that he had used due diligence to enforce the execution of this Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty."

Clause 7 (Power of officer of local authority to inspect manufactory).

LORD HOUGHTON moved, as an Amendment, that the Inspector should be the chief officer of police.

Amendment *moved,* at end of Clause, to add—"The Inspector shall be the chief officer of police." — (*The Lord Houghton.*)

LORD BASING said, he objected to the word "chief."

Amendment (by leave of the House) *withdrawn.*

THE EARL OF WEMYSS then moved the rejection of the clause, which provided for the inspection by an officer of the manufacture of margarine. He considered the clause unprecedented and uncalled for, considering the other provisions of the Bill.

Moved, To leave out Clause 7.—(*The Earl of Wemyss.*)

THE LORD PRESIDENT OF THE COUNCIL (Viscount CRANBROOK) said, he thought his noble Friend in charge of the Bill might very well agree to the omission of this clause. He could not imagine what the object of the clause was. Power was given under the Bill to anybody to manufacture this material, and to make it of anything they pleased. Therefore, what an Inspector would have to do he could not imagine. He thought it was useless to keep such a clause in the Bill.

LORD BASING said, he had no objection to the clause being struck out, although the inspection of the manufacture of butterine had been invited by the manufacturers. But even with the omission of the clause that desire could still be gratified. There was a precedent for the clause furnished by the Alkali Acts.

Motion *agreed to.*

Clause *struck out.*

Bill *passed,* and sent to the Commons; and to be *printed* as amended. (No. 224.)

PARLIAMENT—THE CONSTITUTION OF THIS HOUSE.

NOTICE OF MOTION.

THE EARL OF ROSEBERY: My Lords, I beg to give Notice that early next Session I shall call attention to the constitution of this House, and move a Resolution.

House adjourned at a quarter before Six o'clock, to Thursday next, a quarter past Four o'clock.

HOUSE OF COMMONS,

Tuesday, 9th August, 1887.

MINUTES.]—SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES; CLASS II. — SALARIES AND EXPENSES OF CIVIL DEPARTMENTS, Votes 29 to 34; CLASS III. — LAW AND JUSTICE, Vote 16.

Resolutions [August 8] *reported.*

PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading*—Revenue * [365].

Second Reading—Technical Instruction * [332].

Third Reading—Metropolitan Board of Works (Money) * [345], and *passed.*

Withdrawn—Church Sites (Compulsory Powers Repeal) * [53]; Reformatory Schools Act (1866) Amendment * [198].

QUESTIONS.

ISLANDS OF THE SOUTHERN PACIFIC—THE NEW HEBRIDES.

MR. HOWARD VINCENT (Sheffield, Central) asked the Under Secretary of State for Foreign Affairs, If French troops continue in occupation of the New Hebrides, until an understanding as to the future has been arrived at with Her Majesty's Government; and, having regard to the protracted character of the negotiations, if it is possible to fix the term of such occupation?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): Her Majesty's Government have not acquiesced in the presence of French troops in the New Hebrides. It is impossible for Her Majesty's Government to fix a term for the French occupation; first, because to do so would involve acquiescence in the meantime, and also because they are unwilling to believe that a state of things so inconvenient will be long continued.

THE CONSTABULARY FORCES—POLICE SUPERANNUATION.

MR. HOWARD VINCENT (Sheffield, Central) asked the Secretary of State for the Home Department, What prospect he can hold out of the early realisation of the hope of the Constabulary Forces, that the promises of successive Administrations for 20 years past to deal with the question of police superannuation will be fulfilled by Her Majesty's Government?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I hope it will be found possible to deal with this question next Session. I will do my best to overcome the difficulties with which, as my hon. Friend is aware, the question is beset.

RIVERS POLLUTION—THE RIVER THAMES.

MR. BIGWOOD (Middlesex, Brentford) asked the President of the Local Government Board, Whether his attention has been called to the deplorable condition of the River Thames between Teddington and Isleworth; and, whether he is prepared to use his influence in assisting the measures for improvement which the inhabitants of the district are desirous of effecting towards the maintenance of this important highway and recreation district of the Metropolis?

THE PRESIDENT (Mr. RITCHIE) (Tower Hamlets, St. George's): I have not received any complaints this year as to the state of the part of the River

Thames referred to in my hon. Friend's Question. I have been furnished with a Report from the assistant engineer to the Thames Conservators, who states that the expression "deplorable condition" cannot apply to the reaches between Teddington and Richmond, which have been recently improved by the Conservators, and is a very exaggerated description of the reach from Richmond to Isleworth. He attributes the present state of this part of the River to the long continued and very exceptional drought. I do not know what are the measures of improvement to which my hon. Friend alludes. The assistant engineer to the Conservators says that the works which have been carried out by them have removed the whole of the shoals on the Surrey side between Teddington Lock and Richmond Bridge, and on the Middlesex side between the lock and Orleans House; that dredgers and a large staff of men are at work continuing the improvements downwards; and that the section of river below Richmond Bridge will be taken in hand immediately. The expenditure incurred on these works up to the 30th of June last is stated to be £15,950, in addition to £21,000 previously expended upon the improvement of the navigation channel.

POST OFFICE (IRELAND) — TELEGRAPHIC INSTRUMENT AT MILTOWN MALBAY.

Mr. JORDAN (Clare, W.) asked the Postmaster General, If, in view of the growing requirements of the district, he has yet decided to supply a better telegraphic instrument to the office in Miltown Malbay, County Clare, than the old A.B.C. now in use there?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): In reply to the hon. Member. I have to state that the question has recently been before me; but, as I find upon inquiry that the number of messages dealt with upon the circuit (including those not only of Miltown Malbay, but also of Lahinch) averaged but seven daily in January, 13 in June, and 24 in August, one of the most busy months in the year, I do not think that the time has yet arrived for making any change in the instruments in use.

FISHERY BOARD (SCOTLAND) — THE REPORT—BEAM TRAWLING.

Mr. ANSTRUTHER (St. Andrew's, &c.) asked the Lord Advocate, If his attention has been drawn to the following paragraph in the Fifth Annual Report of the Fishery Board for Scotland:—

> "P. lxxiv.—Prevention of Trawling.—
> Effect of:—
>
> "The evidence already collected seems to indicate that, by regulating trawling in the territorial waters, they will in course of time yield more mature fish, and serve as nurseries and feeding grounds during certain months of the year for shoals of herring, cod, haddock, and other valuable fish;"

and, whether Her Majesty's Government will take into consideration the advisability of regulating, for purposes of experiment, beam trawling throughout the Scottish territorial waters?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities): Yes, Sir; the point is being, and would be, carefully considered. The question requires consideration not only as regards advisability of action, but also as regards the powers of the Board under the Act of Parliament.

SOUTH AFRICA—CHURCH OF ENGLAND—THE SEE OF NATAL.

Sir WILFRID LAWSON (Cumberland, Cockermouth) (for Mr. Summers) (Huddersfield) asked the Secretary of State for the Colonies, Whether a Petition to Her Majesty the Queen, from members of the Church of England in Natal, relating to the appointment of a Bishop, has reached his hands; and, whether it has been as yet presented; and, if so, what reply has been made thereto?

The SECRETARY of STATE (Sir Henry Holland) (Hampstead): A Petition has been received and presented. A communication was made in the ordinary manner to the Archbishop of Canterbury, and the result of that was fully stated to the House in my answer of the 20th of June; and the Petitioners have been informed, through the Governor, that His Grace has signified that he does not propose to apply for a mandate for the consecration of Sir G. W. Cox.

EVICTIONS (IRELAND)—THE HILLAS ESTATE, CO. SLIGO.

MR. P. M'DONALD (Sligo, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, whether any of the evicted tenants on the Hillas estate, in the parish of Templeboy, County Sligo, were re-admitted as caretakers; what force of police attended on each occasion when these evictions were carried out; whether the expense of bringing large bodies of police to these evictions will be levied off the district; and, if so, what amount; whether the evicted tenants on the Hillas estate had notice of appeal duly lodged before the eviction; and, if so, who, if any, is to blame for these appeals not being heard at the Sligo Assizes in the early part of July last; and, whether the service of these notices of appeal were entrusted by the tenants' solicitor to a man named Farmer, who was afterwards engaged as special bailiff in carrying out the evictions?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: Two of the tenants evicted on Mr. Hillas's property were re-admitted as caretakers. On the first day of the evictions a force of 50 police attended, and on each of the other two days a force of 100 police. The expense of bringing these police to the evictions will not be levied off the district. The tenants appear to have lodged notices of appeal upon the decrees being pronounced; but through an informality on the part of their solicitor an affidavit of the service of the notice of appeal on the Clerk of the Peace and on the opposite solicitor was not lodged with the Clerk of the Peace as required by law. The appeals were consequently not listed. An application was made to the Judge at the Assizes to have the cases heard. His Lordship, having learnt on inquiry that no affidavits had been lodged, asked counsel for the tenants what he had to say, and the reply was that he had nothing to say. The cases were not then proceeded with. Had this informality not occurred the result would, nevertheless, have been the same, since the amount of rent and costs should have been lodged, I understand, with the Clerk of the Peace, which was not done. James Farmer did serve the notices of appeal for the tenants. He was afterwards appointed special baliff and executed the decrees.

COMMISSIONERS OF SUPPLY (SCOTLAND)—RATEPAYERS OF ORKNEY.

MR. MACDONALD CAMERON (Wick, &c.) asked the Lord Advocate, Whether the ratepayers of the County of Orkney have the right to examine the accounts of the Commissioners of Supply when application has been made; and, if not, whether he will state what precludes the ratepayers from examining the accounts?

THE LORD ADVOCATE (Mr. J.H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): The Question of the hon. Member is one purely of law. Of course, the ratepayers of Orkney have the same rights as other ratepayers throughout the country; and if any ratepayer is advised that he is refused a privilege which he has by law, he has a remedy by an action to maintain his legal right.

EDUCATION DEPARTMENT (SCOTLAND)—GILLESPIE'S SCHOOL, EDINBURGH.

MR. WALLACE (Edinburgh E.) asked the Lord Advocate, Whether James Gillespie's School, Edinburgh, is a school partly supported by Government grants; whether the assistants and pupil teachers in that school have, and exercise, a discretionary power of inflicting corporal punishment on the children attending the school; and, whether this arrangement is known to, and sanctioned by, the Scottish Education Department?

THE LORD ADVOCATE (Mr. J. H.A. MACDONALD) (Edinburgh and St. Andrew's Universities): This school is partly supported by Government grant. The discipline in the school is a matter for which the Governors are responsible; and, so far as my Lords are aware, nothing has occurred calling for their interference.

PURCHASE OF LAND (IRELAND) ACT, 1885 — STATEMENT BY THE LAND COMMISSIONERS.

MR. SINCLAIR (Falkirk, &c.) asked the Chief Secretary to the Lord Lieutenant, If any Schedule or Statement has been prepared by the Land Commissioners, under the Purchase Act of 1885, showing the amount of interest paid and principal repaid in each separate instalment of £4 which is required to be paid for 49 years to liquidate the advance of every £100 advanced for the purchase of tenancies under that Act?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Land Commissioners have a Table such as that specified in the Question. It was prepared at the National Debt Office.

LAW AND JUSTICE (ENGLAND AND WALES)—BEVAN, CONVICTED OF MURDER AT CHESTER ASSIZES.

MR. SWETENHAM (Carnarvon, &c.) asked the Secretary of State for the Home Department, Whether he will give his attention to the following paragraph, which appeared in *The Chester Courant* of the 3rd instant, relative to the convict Bevan, sentenced to death on Thursday last:—

> "The trial of the murderer Bevan lasted longer than was expected, and so anxious were the authorities to remove him to Knutsford the same night, that immediately after the sentence was pronounced he was hurried into the Castle Yard and pushed into a cab, which was driven off at frantic haste in order to catch the last train. The arrival of the prisoner at the station was awaited by an immense crowd, through the midst of which he was rushed into the train, which was on the point of starting. At Knutsford a similar ordeal had to be gone through;"

whether he is aware that the prison at Knutsford is 25 miles distant from Chester, where the prisoners are tried, and that such prisoners are daily taken backwards and forwards to and from their trials; and, whether, as the Assize Court is situate under the same roof as the building which, until the Prisons Act came into force, was one of the county gaols, he will see if some arrangement cannot be made for the accommodation in that building of a limited number of prisoners during the Assizes, so as to avoid a repetition of the scenes referred to?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I have obtained a Report from the Prison Commissioners on this matter. The instructions given to the principal warder were to bring the prisoner on to Knutsford by the last train if he could; if not, to detain him in the cells at Chester, where there are cells adjoining the Assize Court, in which prisoners can be, and are, if necessary, kept for the night. The warder thought there was time to catch the train, and took the prisoner to the cab which was waiting at the door. He was not pushed into the cab, but was, in the ordinary way, handcuffed to the warder. The railway officials at Chester had prevented people assembling to see the prisoner, and at Knutsford he was kept in the waiting room until the station was clear. There was a crowd outside; but it was dusk, and it is not likely that they could see the prisoner inside the cab between two warders. I am informed by the chaplain of the prison, who was present in Court, that, in his opinion, it was the most humane thing not to have left the prisoner at Chester that night, and that the warder acted with tact and judgment.

POST OFFICE (IRELAND)—TELEGRAPH DEPARTMENT—CAPTAIN PLUNKETT'S TELEGRAM.

MR. HOOPER (Cork, S.E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether an offer has at any time been made of £50 or any other sum as a reward for information concerning the divulging through the Postal Telegraph Department to a Cork newspaper of Captain Plunkett's telegram of 9th March; and, if so, whether the offer has been withdrawn, or is still in existence?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Irish Government have no knowledge of any reward having been offered for information concerning the divulging of the telegram alluded to.

POST OFFICE — POSTAL ARRANGEMENTS IN RURAL DISTRICTS—BANK HOLIDAYS.

MR. CHANNING (Northampton, E.) asked the Postmaster General, Whether it is true that, under present Regulations, all the relief from duty allowed in general to postmen and Post Office officials in rural districts on Bank Holidays is that savings banks and money order business is discontinued at noon; and that if there is a mid-day delivery or despatch of letters, this delivery or despatch alone is dispensed with; and, whether, having regard to the fact that the observance of Bank Holidays having become practically universal, he will consider the advisability of making the postal arrangements in rural districts on Bank Holidays the same as for Christmas Day and Good Friday—namely, that there should be—Morning delivery and despatch only; Parcel Post delivery, but no despatch; no money order or Savings Bank work; no telegraphic work after 10 a.m.; accounts to be included in succeeding day?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): In reply to the hon. Member, I beg leave to state that no Regulation has been laid down relieving from any part of their duty postmen and other officials in the rural districts on the occurrence of ordinary Bank Holidays, and I am not aware that the observance of Bank Holidays in the rural districts has become practically universal. In any case, a much longer experience than has hitherto been gained would be required before I could see my way to limiting the postal accommodation afforded to the public in rural parts to the extent indicated in the Question of the hon. Member.

REGISTRAR GENERAL'S OFFICE, DUBLIN—MR. W. J. BAYLEY.

MR. MURPHY (Dublin, St. Patrick's) asked the Secretary to the Treasury, When may Mr. William J. Bayley, late of the Registrar General's Office, Dublin, expect the re-employment which the Treasury last year promised that he would get when a suitable vacancy occurred; and, whether Reports regarding his state of health have since been received at Dublin Castle, which may have the effect of delaying or destroying his prospects of re-employment; and, if so, will any such Reports be produced, that Mr. Bayley may have an opportunity of refuting them?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): I will inquire if there is a prospect of some temporary employment being found for Mr. Bayley. I believe that no Reports adverse to him have been received.

INLAND NAVIGATION AND DRAINAGE (IRELAND)—THE RIVER BARROW.

MR. MURPHY (Dublin, St. Patrick's) asked the Secretary to the Treasury, Whether the scheme for the drainage of the Barrow, which has been recommended by the Commission on Irish Public Works, differs from the plans officially prepared; and, whether, as new plans will be required, any Irish engineers have been engaged in preparing the necessary surveys before the best season for such work has gone by?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the scheme recommended by the Royal Commission differed in several important respects from that proposed by the Chief Engineer to the Board of Works; and a great deal would have to be done to work out the proposed scheme in detail before the execution of the works could be commenced. At present there were no funds available for this purpose, nor would there be until Parliament had passed the Votes, including the Supplementary Estimates.

CUSTOMS—REDUCTION OF AN EXAMINING OFFICER AT WEST HARTLEPOOL—ANTHONY GREGORY.

SIR HENRY HAVELOCK-ALLAN (Durham, S.E.) asked the Secretary to the Treasury, Whether an officer of Her Majesty's Customs with 30 years' service, performing the duty of acting examining officer at West Hartlepool, has been reduced by order of the Board of Customs for alleged neglect of duty in not boarding a steamer in Hartlepool Bay on the 23rd June last, such steamer at the time being under weigh, and any attempt by the Customs officers in the boat at their disposal in the midst of such a heavy sea to board the vessels being considered and declared upon paper by certified nautical men to be extremely dangerous if not an utter impossibility; and, whether he will inquire into the matter with a view of doing justice to this excellent Customs Officer in so hard a case?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): Anthony Gregory, an outdoor officer in the Customs at West

Hartlepool, has been reduced from being an active examining officer for neglect of duty in not boarding a steamer. The Board considered that, with a boat's crew at his disposal, Gregory could, and should, have boarded the vessel on the occasion referred to. His reduction in rank was, however, not on account of his neglect of duty on that occasion only, but on account of his habitual neglect of it.

WAR OFFICE — THE HORSE ARTILLERY.

General FRASER (Lambeth, N.) asked the Secretary of State for War, What steps have been taken towards carrying out the intention of the Government to organize the attenuated batteries of Horse Artillery still retained in the most effective manner, to make them valuable for service and ready to be produced whenever they are wanted; at what stage these arrangements have arrived; and, when they may be expected to be completed?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): I have already explained to the House that to keep the Horse Artillery batteries required for the two Army Corps at full strength to enable them to take the field instantly would cost in the first year £51,000. Other countries do not think of maintaining such an establishment in peace time, and I therefore expressed a doubt whether this House would do so. The great difficulty, as my hon. and gallant Friend is aware, is in respect of horses. We have prepared a scheme which we hope may largely tend to meet the difficulty of horse supply generally, and it is now under the consideration of the Treasury.

POST OFFICE (IRELAND)—CONVEYANCE OF MAILS IN THE NORTH OF IRELAND.

Mr. M'CARTAN (Down, S.) asked the Postmaster General, with reference to the increased mail accommodation between Belfast and Newtownards, Downpatrick, and other towns in County Down, Whether the matter has been finally settled; and, whether he will state the annual amount now paid the Belfast and County Down Railway Company for present service, the offer made to the Company for additional services required, and the amount required by the Company for such additional services?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University), in reply, said, the amount now paid to the Belfast and County Down Railway Company was £650 a-year; and in consideration of a certain improved and extended service he had made a final offer to the Company considerably exceeding that sum. It was now under consideration, and he trusted it would be accepted. As soon as he received an answer he would communicate it to the House.

ADMIRALTY—ACCIDENTS ON BOARD H.M.SS. "KITE," "CURLEW," AND "BLACK PRINCE."

Captain COLOMB (Tower Hamlets, Bow, &c.) asked the First Lord of the Admiralty, Whether, with reference to the accidents on board Her Majesty's ships *Kite*, *Curlew*, and *Black Prince*, he can give particulars in each case as to the nature of the gun, the ammunition used, the number of men allowed according to Regulations for the service of the gun, the number of men employed in the service of the gun when the accident took place, and how many of these had been fully trained on board the *Excellent*, or *Cambridge*, and how many at the Royal Marine Artillery headquarters?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): The accident on board the *Kite* occurred with a four-inch breech-loading gun, and on board the *Black Prince* and *Curlew* with a one-inch four-barrel Nordenfelt. In each case blank cartridge was used. The regulation number of men for the four-inch gun is four. Three were actually employed, a number amply sufficient when saluting only. Of these, two were acting seamen gunners, who had qualified in sea-going ships, but had not yet passed the gunnery ship course; the other was a bombardier of the Royal Marine Artillery, who had been fully trained at headquarters. The established number of men for the four-barrel Nordenfelt is three. In both ships four were stationed. On board the *Curlew* all had qualified on board the gunnery ships; on board the *Black Prince* one had so qualified, but two of the others were trained men.

ADMIRALTY—MIDSHIPMAN GEORGE L. GROVER.

MR. GILLIAT (Clapham) asked the First Lord of the Admiralty, In the case of Midshipman George L. Grover, a further Report having been called for from the medical officer of the *Bacchante*, if he can say when a reply may be expected; and, whether, in the meantime, he has anything to add to his former reply, whereby the fact that the injuries to Loring Grover were undoubtedly incurred in the service of his country may be now held to constitute a claim, if not for pension, at least for some employment in Admiralty service at home?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): The Report called for with regard to Mr. Grover may be expected about the first week in September, as a reference has to be made to Her Majesty's ship *Bacchante*, now in the East Indies. There is nothing to add to the former reply, beyond stating that all Civil appointments at the Admiralty are made by the Civil Service Commissioners.

ISLANDS OF THE SOUTHERN PACIFIC —THE NEW HEBRIDES—THE SUEZ CANAL.

MR. BRYCE (Aberdeen, S.) asked the Under Secretary of State for Foreign Affairs, Whether, in the negotiations now proceeding for the evacuation by France of the New Hebrides, the French Government have endeavoured to associate that question with questions relating to the Suez Canal and to the future of Egypt; whether Her Majesty's Government will continue to press for an immediate and separate solution of the New Hebrides questions, and will insist on the view that the former question should be forthwith disposed of, without waiting for the settlement of the more debateable matters which relate to the Suez Canal and Egypt; whether any habitual criminals have lately been sent from France to any of the French Colonies in the Pacific; and, whether it is the fact that settlers from France continue to establish themselves in the New Hebrides?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): The French Government have desired that the negotiations in regard to the New Hebrides and the Suez Canal should proceed *pari passu;* but have not sought to associate the former with questions relating to Egypt generally. Her Majesty's Government, while not objecting to discuss the two subjects at the same time, have in no way consented that the withdrawal of the French troops from the New Hebrides should be postponed until an agreement had been arrived at for the neutralization of the Suez Canal. Her Majesty's Government are pressing upon the French Government that the negotiations should be brought to a close in respect to this subject, upon which the two Governments are perfectly agreed in principle. No shipment of habitual criminals to New Caledonia has lately been reported. The last of which we have any knowledge took place in November last. It is the fact that settlers continue to be sent from France to the New Hebrides. The right hon. Gentleman added: I may take this opportunity of saying that as I promised that the Papers on this subject should be presented on an early day, I may inform the House that I am not able to fulfil that promise. Since it was made communications have passed between the two Governments, and also further despatches, which cannot be presented to the House while the Correspondence is in progress.

MR. BRYCE said, that in consequence of the answer he would feel bound to call attention to the subject on the Diplomatic Vote.

THE MAGISTRACY (SCOTLAND)— ELIGIBILITY TO JUDICIAL OFFICES.

MR. BRYCE (Aberdeen, S.) asked the Lord Advocate, Whether he can enlarge the Bill which he has brought in relating to the office of Sheriff of Lanarkshire, so as to make it deal generally with the conditions of eligibility to judicial office in Scotland; or whether, if this is impracticable at this period of the Session, he will undertake to prepare during the Recess, and bring in next Session, a measure embracing those conditions as a whole, and in particular facilitating the promotion to the Bench of persons filling the office of Sheriff-Substitute who have approved their fitness for the highest judicial office?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): I do not think it would be advisable, in present circumstances, to enlarge the scope of the Bill; but I am quite of opinion that the conditions of eligibility to judicial office might with advantage be revised, and shall give the matter my consideration during the Recess. The last part of my hon. Friend's Question I shall carefully consider; but I may say at present there are several gentlemen who have been Sheriff-Substitutes, and who have returned to practice at the Bar, and are under the existing arrangements eligible for the highest judicial posts.

LAW AND POLICE (METROPOLIS)—ARREST OF MISS CASS—MR. NEWTON, MAGISTRATE AT MARLBOROUGH STREET POLICE COURT.

MR. ATHERLEY-JONES (Durham, N.W.) asked the Secretary of State for the Home Department, Whether he is now in a position to make any statement as to the action of the Government in respect of the Lord Chancellor's inquiry into the conduct of Mr. Newton, and the police investigation of the circumstances attending the arrest of Miss Cass?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The Report and evidence of the police investigation of the circumstances attending the arrest of Miss Cass were laid before the Law Officers of the Crown, who advised that the Director of Public Prosecutions should be instructed to prosecute Police Constable Endacott for perjury. I sent instructions accordingly to the Director of Public Prosecutions. The advisers of Miss Cass have, I understand, since obtained a summons against Endacott. I shall instruct the Director of Public Prosecutions to arrange with Miss Cass's solicitors either to take up the prosecution instituted by them, or, at their option, to leave the conduct of the proceedings with them. The Lord Chancellor has dealt with the case of Mr. Newton, and has expressed his disapproval of the mode in which the inquiry before Mr. Newton was conducted; but he does not think his communication to Mr. Newton could properly be made public until the proceedings now pending have been brought to a conclusion.

MR. HOWARD VINCENT (Sheffield, Central): I beg to ask the right hon. Gentleman, whether care will be taken that Police Constable Endacott shall not be prejudiced by the character of the cross-examination pursued in the course of the inquiry at Scotland Yard?

MR. MATTHEWS: I am afraid I cannot answer for the conduct of the prosecution, or for the consequences which may ensue from the answers which Endacott gave at Scotland Yard. I think the hon. Member may safely trust the Judge before whom the case will be tried.

IRISH LAND COMMISSION — "E. R. SMYTH, LANDLORD, *v.* JAMES WOODS, TENANT."

MR. BLANE (Armagh, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If, on the 25th October, 1886, Mr. J. W. Nagle wrote to the Secretary of the Irish Land Commission, asking if, in the case of "Edward R. Smyth, landlord, *v.* James Woods, tenant," to restrain proceedings on notice to quit, the matter would be heard before the Sub-Commission or Land Commission, and whether evidence was to be taken *vivâ voce* or by affidavit; whether Mr. Denis Godley, the Secretary of the Land Commission, replied "that the case would be heard in the usual way by the Sub-Commission;" whether, on 1st April, 1887, Mr. McGeagh wrote from the Fermanagh Club, Enniskillen, to Mr. J. W. Nagle, saying that he was instructed by Mr. Greer, Sub-Commissioner, "that the Sub-Commission Court has no jurisdiction;" whether, in consequence of that statement, the tenant was mulcted in his own costs, and all his witnesses' expenses from Keady, County Armagh, to Dundalk, the place of trial; and, whether the Government will consider the matter, having regard to the saving of costs on poor people applying to the Land Commission?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the Land Commissioners reported that the case was one of an application by an aggrieved tenant to restrain eviction for the breach of statutory conditions on equitable terms, pursuant to the provisions of the Land Act of 1881. It was one of a class of cases which were properly heard before the Chief Commission; but by some mistake as to the practice in that respect it was included in those delegated to the Sub-Commission. The solicitor was informed that the case would be heard in the usual way. The Sub-Commission struck out the case, which was subsequently decided upon by the Chief Commission. He was not aware that the tenant was put to an unnecessary expense; but if he was, the Land Commissioners had no power to allow his costs, as they had no funds at their disposal.

BRITISH HONDURAS—REMOVAL OF TROOPS.

MR. RADCLIFFE COOKE (Newington, W.) asked the Secretary of State for the Colonies, Whether, against the urgent representations of the Colonists of British Honduras, the Government have removed the detachment of West Indian troops from the Orange Walk Station, and have given instructions for the detachments at Belize and Corozal to be removed to Jamaica and St. Lucia; whether the Ychaché and Santa Cruz Indians have, on several occasions, made raids upon the settlers; and, whether, on the withdrawal of the troops, the homes of the Colonists and their logwood and mahogany works will be left wholly unprotected?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): The troops have been removed from Orange Walk, and the detachments now at Belize and Corozal will be withdrawn from the Colony in the course of next spring. The inhabitants of the Colony have memorialized the Government against the removal of the troops. Raids have in former times been made into the territory of the Colony by the Indians of the tribes mentioned; but none have occurred since the year 1872. On the withdrawal of the troops the homes of the Colonists and their logwood and mahogany works will be protected by the Constabulary Force already in part organized, and by a chain of blockhouses along the North-Western Frontier.

WAR OFFICE—REGIMENTAL BANDS AT PUBLIC MEETING—1ST EAST YORK ARTILLERY VOLUNTEERS.

MR. RADCLIFFE COOKE (Newington, W.) asked the Secretary of State for War, Whether his attention has been called to an account in *The York Herald* of the 1st of August of the third annual excursion of the members of the York Liberal Association, held at Warter Priory, the seat of Mr. C. H. Wilson, M.P. for West Hull, on Saturday the 30th July, wherein it is stated that the band of the 1st East York Artillery Volunteers was in attendance and occupied a position on the terrace where dancing was indulged in; and, whether such account is accurate?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): The General Officer commanding the Northern District reports that the band of the 1st East York Artillery Volunteers did play at the meeting of the Liberal Association referred to. The officer who gave them permission did so on the understanding that the band was not to play as a military band, and, as a matter of fact, the men were in plain clothes; but it is alleged that the Liberal agent ignored the condition, and advertised the performance as by the band of the Volunteer Corps.

ADMIRALTY—SHIPS OF WAR—TEST OF SPEED.

SIR HENRY TYLER (Great Yarmouth) asked the First Lord of the Admiralty, Whether he would consider the question of applying to two of the most powerful and modern ships in Her Majesty's Service the test of steaming at full speed across the Atlantic, say to New York and back?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): Although we may not be able to carry out the full-speed test mentioned in the Question, the Admiralty are of opinion that the measured mile trial is insufficient; and have directed, as will be seen in my Statement appended to the Estimates, that in future, in addition to the measured-mile trials, each ship shall maintain for four days a continuous full-speed trial with all her weights on board, which, it is considered, will thoroughly test the efficiency of the machinery.

AGRICULTURE (IRELAND)—DAIRY SCHOOLS.

MR. M'LAREN (Cheshire, Crewe) asked the Chief Secretary to the Lord Lieutenant of Ireland, How many dairy schools there are in Ireland, and in what way they are supported; whether there is one in Munster which gets a grant of £500 a-year; and, if so, from what source does it get this grant; and, whether there are any other grants given to any agricultural or dairy schools in Ireland?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The only dairy schools in Ireland in receipt of a Government grant are the Albert Agricultural Training Department at Glasnevin and the Munster Agricultural and Dairy School. Provision for these is made in the annual Estimate for Public Education (Ireland), to which I beg to refer the hon. Member for the further information he desires. It is proposed to give a sum of £2,000 out of the £50,000 special grant to the Munster School. This, however, has not yet been voted.

CRIME AND OUTRAGE (IRELAND)—DISTURBANCES AT PORTRUSH.

MR. SEXTON (Belfast, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, What information he can communicate to the House with reference to the reported attack on an excursion party of Irish National Foresters at Portrush, on Sunday last, and the subsequent disturbances at different stations on the Northern Counties Line, and at Belfast, on the return of the excursion party in the evening?

MR. JOHNSTON (Belfast, S.): Before the right hon. Gentleman answers the Question, may I ask if he has seen the account in *The Northern Whig* of yesterday, which states that at about 8 o'clock on Sunday a party of excursionists, alleged to belong to the Foresters' Society of Belfast, committed one of the most atrocious outrages that could possibly take place in Ireland? A party of holiday excursionists had been out to Portrush——

MR. SPEAKER: Order! The hon. Gentleman is now reading an extract in confirmation of a particular view before he has heard the reply of the Minister.

MR. JOHNSTON: Then I ask the right hon. Gentleman if he has any information as to the origin and continuation of the occurrence?

MR. M'CARTAN (Down, S.) asked, whether it was the case that a Protestant clergyman had received a gunshot wound?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: I have not seen *The Northern Whig* of yesterday, nor have I any special knowledge with respect to the origin of the outrage. The information I have to give the hon. Gentleman is that a telegram has been received from the Divisional Magistrate to the following effect:—

> "A Foresters' excursion of 1,000 persons from Belfast went in two trains to Portrush on Sunday last, and thence by various conveyances to Causeway. When returning to the train at Portrush they were assaulted and 'booed" by a number of Coleraine roughs, who came there for the purpose. Shots were then fired by one of the excursionists, who was arrested. Ten or 12 shots were fired from the train at Ballymoney. One boy was struck, but not injured. At Ballymena, when the first train was passing, about 30 shots were fired by the Foresters out of it. Three persons, one being a Presbyterian clergyman who was walking on the footpath, were injured. The crowd then collected, and placed obstructions on the railway to upset the second train with the Foresters. The police, however, when the train, which did not stop at the station, was approaching, removed the obstacles. Stones were thrown at the second train at Ballymena by the Orange Party, and peace was kept with great difficulty afterwards."

MR. JOHNSTON asked, whether the right hon. and gallant Gentleman would institute a full inquiry into the whole circumstances?

MR. SEXTON: There are three points on which I want information; and if the right hon. and gallant Gentleman cannot give it now I shall repeat the points on Thursday. The first point is, whether the managers of the excursion party gave notice to the police of the time of the excursion, in order that provision might be made for the preservation of the peace; the second point is, whether, during the attack at Portrush, three shots came from the assailants before any shot was fired by the excursionists; the third point is, whether only two constables were at Ballymoney, and whether gangs of men were stationed along the line, and threw large stones at the train, breaking the windows and smashing the doors, and injuring, among others, a lady?

COLONEL KING-HARMAN said, the only information he had received was the telegram he had read, and which he received a short time before coming down to the House. If the hon. Member would put the Question on the Paper for Thursday he would make further inquiries.

MR. SEXTON said, he would do so.

TECHNICAL INSTRUCTION BILL—"LOCAL AUTHORITY."

MR. M'LAREN (Cheshire, Crewe) asked the Vice President of the Committee of Council on Education, Whether he will consent to such modifications of the Technical Education Bill as will include Local Boards of Health under the term "Local Authority;" whether he will also include Schools of Agriculture and Dairy Schools, such as the Cheshire County Dairy Institute at Workston, among the schools which may be created by the Local Authority; whether his attention has been called to the evidence given to the Committee on the Butter Substitutes Bill by Mr. Willis, who represented the Cheshire Chamber of Agriculture—namely—

> "If we got the same help from Government that the Munster Dairy School gets, we could do a great deal to improve the butter in our county and district;"

and, whether, in view of this, and in order to bring such schools under the definition of technical schools, he will consider whether grants could not be made to them by the Science and Art Department?

THE VICE PRESIDENT (Sir WILLIAM HART DYKE) (Kent, Dartford): I am not, as at present advised, prepared to extend the scope of the measure so as to include Local Boards of Health; but I desire to point out to the hon. Member that there is nothing in the Bill to limit the subjects of instruction in technical schools to those for which grants may be made by the Science and Art Department; but that, on the contrary, these are left open for future consideration, with a view to enabling the powers conferred by the Bill to be exercised for the benefit of different localities.

PUBLIC WORKS LOANS—THE RATE OF INTEREST.

MR. R. W. DUFF (Banffshire) asked the Secretary to the Treasury, Whether, having regard to the opinion expressed by the Board of Trade in their Letter of 14th March, 1886, recently presented to this House—

> "That, if the security afforded by harbour rates and dues is ample, there can be no reason whatever for making the addition of other collateral security a necessary condition to the lower rate of interest, provided that adequate security is forthcoming from other sources,"

it is the intention of the Government to give effect to that opinion in the Public Works Loan Bill of the present Session?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): It is not proposed in the Public Works Loans Bill of the present Session to touch the question of harbour loans, beyond giving power to Local Bodies, in accordance with the promise of the Government, to give collateral security for those loans.

MR. R. W. DUFF asked, if the Loan Commissioners intended to insist on collateral security in all cases?

MR. JACKSON said, that the hon. Gentleman seemed to rely upon a clause in the recommendation of the Board of Trade; whereas the Treasury Minute was an agreement come to between the Board of Trade, the Loan Commissioners, and the Treasury; and, therefore, the Board of Trade might be held to be consenting parties to the present Treasury Minute. He quite appreciated the difficulty of the question; but it had been held that it was desirable, in view of giving very low rates, to have collateral security.

POST OFFICE—THE POSTMASTER OF ST. COLUMB, CORNWALL.

MR. CONYBEARE (Cornwall, Camborne) asked the Postmaster General, When he will be able to communicate to him the result of his inquiries into the conduct of the Postmaster of St. Columb, in Cornwall?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): I have made inquiry into this matter. Mr. Howard has been completely exonerated from the charge of dishonesty, both by the Judge of the Court of Bankruptcy, who summoned him for examination, and by the Official Receiver in Bankruptcy. These gentlemen are of opinion that the charge arose purely from a misconception of the facts of the case. Under the circumstances, I do not propose to interfere.

ADMIRALTY—EDUCATION OF EXECUTIVE OFFICERS—EXAMINATION OF MIDSHIPMEN IN SEAMANSHIP.

MR. CRAIG SELLAR (Lanarkshire, Partick) asked the First Lord of the Admiralty, Whether, having regard to the recommendations of the Committee on the Education of Naval Executive Officers, and the Reports recently received from the Admirals in command and the other officers of the Mediterranean, Channel, and Training Squadrons with respect to the Examination of Midshipmen in Seamenship, it is proposed to make any alterations in, or modifications of, the system now pursued; and, if so, whether such alterations or modifications will be communicated to Parliament?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): The Admiralty, having fully recognized the necessity for bringing the seamanship examination for lieutenants more into accordance with the present requirements of the Naval Service, have called for Reports from the Admirals in command of the Mediterranean, Channel, and Training Squadrons. These Reports will receive most careful consideration; and the changes which it may be finally decided to adopt will be embodied in a Circular to the Fleet, which Circular can, if it is desired, be laid before Parliament.

EVICTIONS (IRELAND)—THE SKINNERS' ESTATE, DRAPERSTOWN, CO. LONDONDERRY.

MR. M'CARTAN (Down, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, with reference to the evictions which were carried out on the Skinners' Estate, near Draperstown, County Derry, in April last, Whether he can now state the amount of expenses incurred in sending the 250 policemen, County Inspector, District Inspectors, Resident Magistrates, and Divisional Magistrate from their different stations to and from the scene of the evictions, the expenses incurred by them during their stay in the neighbourhood, and the amount paid for cars and other vehicles employed by them in connection with these evictions; and, the number of persons then evicted, and the amount due for rent and costs respectively?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The cost to the public of the Royal Irish Constabulary, both officers and men, present at the evictions referred to was, omitting fractions of a pound, as follows:—Railway fare, £90; car hire, £185; extra pay, £196, or a total of £471; and for the Resident Magistrate a sum of £2 2*s.* The number of persons evicted was 36. The Government cannot take it upon themselves to endeavour to answer the remaining portion of the Question. It is obvious that when called upon to assist in enforcing legal process the Government cannot be influenced by the proportion which the cost of doing so bears to the amount due.

MR. M'CARTAN asked, whether the right hon. and gallant Gentleman was aware that the tenants evicted number six, and that the rent due was £118?

COLONEL KING-HARMAN said, he was not aware of the amount of rent due, and did not see the necessity for inquiry.

FIRES IN THE METROPOLIS — THE METROPOLITAN FIRE BRIGADE.

MR. ISAACS (Newington, Walworth) asked the First Lord of the Treasury, Whether his attention has been directed to the large number of fires which occurred in the Metropolis on the 3rd instant, principally in the City and the Eastern Districts of London; whether he is aware that the pressure on the resources of the Fire Brigade was almost unparalleled in its severity, and that the stations at Mile End and Poplar were exhausted both as to horses and engines; and, whether, having regard to the safety of life and property involved, he will afford facilities for discussing the Metropolitan Fire Brigade Expenses Bill now before this House? The hon. Gentleman also asked, Whether the right hon. Gentleman's attention has been directed to the following description of the inadequacy of the resources of the Fire Brigade Establishment of the Metropolis, which appeared in the newspapers of yesterday, giving an account of the fire which occurred on Saturday last at the establishment of Messrs. Whiteley, Queen's Road, Bayswater:—

> "The pressure upon the Fire Brigade authorities at this time was enormous, and may well claim very serious attention for Londoners. There was not a station in the A District but had its engines out, and there was not a single steamer left at home in the district. The D or South of the Thames District was in a similar position, not having a steamer left to cope with any fire which might break out; and the Clerkenwell or City District, and the C or Whitechapel District, were also almost totally denuded of all appliances, and were put to extraordinary straits. There had been 34 steamers, six manuals, three hose carts, four extension

ladders, one coal van, and 173 men sent on to the fire, and now messengers were running between the horse contractors and the stations to borrow horses and coachmen, and other calls for fires kept coming in from other districts in a most extraordinary manner. The men at headquarters had to turn out to a fire in the Borough, Kennington Lane Station received another call, the firemen in the East End were so busy in turning out for the ringing of fire alarms and calls by strangers that the Mile End Station was shut up, opened again, and shut up a second time within half-an-hour, while the Holloway Station also had to be closed, and affairs were in as dangerous a condition as it is possible to imagine them ;"

and, whether, in view of the facts there described, he will give an opportunity of considering the Metropolitan Fire Brigade Expenses Bill, now before this House, during the present Session?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): The Government will be quite willing and ready to afford such facilities as may be in their power for the consideration of any measure to meet any emergency which they have reason to believe will be accepted by the House. It remains for the Metropolitan Board of Works to take such steps as they think best, in order to obtain the general favour of the House to further the object they have in view. It is obvious that the Government have no control over Members who think it their duty to block a measure of this kind; and I hope the Board will exercise discretion and judgment in presenting a measure the contents of which appear open to objection.

BUSINESS OF THE HOUSE—THE SEAMEN'S VOTE BILL.

MAJOR RASCH (Essex, S.E.) asked the First Lord of the Treasury, Whether it is the intention of the Government to proceed with the Seamen's Vote Bill this Session?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): The Seamen's Vote Bill is a private measure, and it is not, therefore, for the Government to take steps for proceeding with it.

BUSINESS OF THE HOUSE—PRIVATE BILL LEGISLATION.

MR. CRAIG SELLAR (Lanarkshire, Partick) asked the First Lord of the Treasury, Whether the Government intend next Session to deal with the subject of Private Bill Legislation, by Bill or otherwise?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): The Government are quite sensible of the importance of this subject; but I am not able to give any actual pledge. I trust, however, it will be in the power of the Government and the House to deal with it in the course of next Session.

MR. CRAIG SELLAR: I beg to give Notice that I shall, early next Session, ask leave to introduce a Bill for establishing a Commission to examine and report on Private Bills in Parliament, and matters relating thereto.

FIRES—INQUESTS.

SIR ROBERT FOWLER (London) asked the First Lord of the Treasury, Whether Her Majesty's Government will consider the question of inquests being held in the case of fires, with a view to legislation next Session?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): This subject has been mooted in Parliament on various occasions. All I can say is that it will receive the consideration of the Government; but many different opinions prevail upon it.

PERPETUAL PENSIONS—REPORT OF THE SELECT COMMITTEE.

MR. BRADLAUGH (Northampton) asked the First Lord of the Treasury, Whether, in view of the unanimous Report of the Select Committee on Perpetual Pensions, he will, during the Recess, cause steps to be taken in accordance with its recommendations with reference to the several payments in perpetuity now charged on the Consolidated Fund?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): The Government have not yet had time to consider the Report of the Committee on this question; but they will do so during the Recess.

TRADE AND COMMERCE—DEPRESSION OF TRADE AND AGRICULTURE—THE FOREIGN BOUNTY CONFERENCE.

MR. NORRIS (Tower Hamlets, Limehouse) asked the First Lord of the Treasury, Whether, with reference to the depressed state of trade and agriculture, the Government will consider, during the Recess, if it is possible to make some modification in the present fiscal system, with a view to ameliorate the condition of our home industries, and to come to such arrangements with Foreign Powers as will secure a fair and equitable re-adjustment of existing arrangements consistent with the principles of sound and reciprocal Free Trade; and, in view of the proposed Conference on the Foreign Bounty Question, if he can state whether the Conference will be held in London, if evidence will be invited from those most interested, and if a speedy settlement will be pressed?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): It will certainly be the duty of the Government to consider the depressed state of trade, and especially of agriculture; but it is equally their duty to abstain from entering into engagements, or holding out expectations, which it may not be in the power of any Government to fulfil. I cannot exaggerate the importance of the subject, and it is on that account that I speak with guarded language. It is not possible for the Government to say whether the Conference on Foreign Bounties will be held in London. No efforts will be wanting on the part of the Government to bring about an early decision.

NAVY—APPOINTMENT OF ADMIRAL TRYON AS DIRECTOR OF TRANSPORTS.

MR. HANDEL COSSHAM (Bristol, E.) asked the First Lord of the Treasury, Who is responsible for the appointment of Admiral Tryon as Director of Transports at a salary of £2,000 a-year; and, what special qualifications he possesses for the position?

THE FIRST LORD OF THE ADMIRALTY (Lord GEORGE HAMILTON) (Middlesex, Ealing): Perhaps I may be allowed to answer that Question. The appointment is in my hands. Admiral Tryon is a distinguished officer in every way. He has been employed in various capacities, and has given great satisfaction in them all. He has rendered valuable service in facilitating the arrangements come to for securing the co-operation of the Colonies in the maintenance of a Naval Force in Australasia. The hon. Member asks me who is responsible for this appointment. No such appointment has been made, or is in contemplation; and the salary of the post is not £2,000, as stated in the Question, but £1,000.

PARLIAMENT—THE NEW RULES OF PROCEDURE, 1887.

COLONEL BRIDGEMAN (Bolton) asked the First Lord of the Treasury, Whether the Government expect to make any further progress with the new Rules of Procedure during this Session?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): I am not sanguine enough to hope that it will be in the power of the Government to induce the House to make further progress with the new Rules of Procedure in the course of the present Session.

BUSINESS OF THE HOUSE.

MR. CHILDERS (Edinburgh, S.) wished to ask the First Lord of the Treasury a Question on this subject. He understood the present arrangement to be that on Thursday they should take Supply till 10 o'clock, and then go to the Allotments Bill, and that on Friday they should take Supply again. Would the right hon. Gentleman object to take Supply on Thursday till the usual hour, and let the Allotments Bill stand first on the Orders for Friday?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster), in reply, said, that the arrangement was made after every effort had been made on his part to ascertain what would be for the convenience of the House on both sides, and he had been led to believe that there would not be a very protracted debate on the second reading of the Allotments Bill. Under these circumstances, he thought it necessary to adhere to the arrangement to take the Bill about 10 o'clock on Thursday evening; and as regarded Friday, he must retain a certain amount of discretion, as it was possible the Government might have to consider any Amendments which the House of Lords might make in the Irish Land Law Bill. If it were in their power to do so, he should like to take the Education Vote on Friday as the first Business; but it might be necessary to hold themselves at liberty to consider any Lords' Amendments in the Irish Land Law Bill on that evening.

MR. MUNDELLA (Sheffield, Brightside) asked, whether the Technical Instruction Bill could not be taken earlier than 11 o'clock that evening?

Mr. W. H. SMITH said, it was equally important for the country and the Government that Supply should be proceeded with. If the Scotch Votes in Classes II. and III., which had been put down for the convenience of Scotch Members, were disposed of before 10 o'clock they might then report Progress and take the Technical Instruction Bill.

Sir GEORGE CAMPBELL (Kirkcaldy, &c) asked, whether, considering the impossibility of keeping Scotch Members together, and the impropriety of allowing important Scotch questions to be decided by a few Scotch Members who might happen to be in the House at 3 o'clock in the morning, and, considering that all Scotch Members would soon be going out of town, except those who had nowhere else to go, the First Lord of the Treasury would move the suspension of the Standing Orders, so that the Scotch Business should be taken in the early forenoon of the day, say 10 or 11 o'clock? [An hon. Member: Why not 8 o'clock?] He also asked whether, in order to dispose of Scotch Bills in Committee, another Gentleman might not be appointed to share the labours of the Chairman of Committees?

Mr. W. H. SMITH: The hon. Gentleman was kind enough to send me Notice a few minutes ago of this Question. I am unable to agree with him in the opinion he has expressed as to Scotch Members. My observation of the conduct of Scotch Members leads me to believe that it is not at all impossible to keep them in the House while Scotch Business or Imperial Business of any importance is being discussed. That disposes of the principal grounds on which he asks the Government to make an arrangement which, I believe, the House itself would not accept, and that is to impose duties upon the House, and on the officers of the House, which it is quite impossible for them to adequately and properly fulfil. I believe the Scotch Bills to be of sufficient importance to secure consideration; and I have complete confidence that both Scotch and English Members will remain for Scotch Business and Imperial Business.

Mr. BUCHANAN (Edinburgh, W.) asked, when the Scotch Education Vote would be taken?

Mr. W. H. SMITH said, much must depend on the time occupied by the English Education Vote. It was open to consideration whether they should not have a Morning Sitting on Friday for the English Education Vote; but having regard to the fact that he was not fully informed as to what might happen in "another place," he was not in a position absolutely to say what the arrangement of Business would be in the event of a morning being taken with the English Education Vote first. He hoped, when that Vote was disposed of, time would remain for the consideration of the Scotch Vote.

In reply to Sir George Campbell,

Mr. W. H. SMITH said, he must appeal to the House itself to forward Public Business, so that it might not be necessary to sit into these very late hours. The Government were most anxious that Business should be done within reasonable hours; but if the consideration of the Votes in Supply or of Bills was so protracted that it became absolutely necessary to sit till 2 or 3 in the morning in order that Business might be concluded he could not charge himself with any responsibility respecting it.

Sir GEORGE CAMPBELL gave Notice that he would put down Amendments to the Scotch Bills so as to make sure that they would not come on at a late hour.

Mr. DIXON-HARTLAND (Middlesex, Uxbridge) asked, whether it was still the intention of the Government to take the Post Office Annuities Bill on Friday night?

Mr. W. H. SMITH: I hope it may be possible to do so.

Mr. MUNRO-FERGUSON (Leith, &c.) asked, if the right hon. Gentleman could name the date upon which the Indian Budget would be submitted?

Mr. W. H. SMITH: No.

Mr. LABOUCHERE (Northampton): What facilities does the First Lord of the Treasury contemplate giving to the House for the discussion of matters respecting Egypt?

Mr. W. H. SMITH: Facilities will, no doubt, be afforded on the Diplomatic Vote.

Mr. LABOUCHERE: Is the right hon. Gentleman not aware that upon the Diplomatic Vote it would be absolutely impossible to go into the matter?

very much inclined to believe that the law of champerty and maintenance would preclude that; and that it would be impossible for the Local Authorities to make themselves co-plaintiffs, or co-prosecutors, in any proceeding. I believe the easiest plan would be for the Government to take action in the matter, if they are in a position to prove that a nuisance has been committed. I believe they have evidence of the existence of a nuisance, and also of the great amount of injury inflicted upon a number of the poor fishermen, who have been driven almost into starvation in some of the districts of Loch Long opposite the mouth of which the Clyde Trust now bring their boats and discharge this offensive matter on the edge of the Loch. Many of the residences have been rendered uninhabitable during a considerable portion of the year; and persons who have been in the habit of resorting to this locality for the purpose of bathing have been compelled to leave it. In a small bay—the bay of Ardentinny—there is an absolute bank of filth of considerable extent, which is being daily enlarged. Under these circumstances, I venture to ask the Lord Advocate whether he can say something that will be satisfactory to these poor fishermen; and, whether he can hold out any hope that the Government will take steps to put a stop to the nuisance?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): There can be no question that the matter to which the hon. Member has referred on more than one occasion is one which requires to be dealt with in some way or other. Since the hon. Member last mentioned the subject, not only have inquiries been made by the Board of Supervision, by the direction of my right hon. Friend now the Chief Secretary for Ireland, but reports have been obtained from persons of skill, and these reports bring out that there has been a very extensive and improper pollution of the districts of the loch to which the hon. Member refers. Dr. Littlejohn, who is probably one of our most skilled investigators in matters of this kind, was some time ago instructed to make an examination, and he has made a temporary report indicating what he has observed; but as regards the question of health, he proposes to go into it with more care, and to investigate it thoroughly, for the purpose of ascertaining whether there is ground for the belief that the present state of things is injurious to health, or is likely to become so. I must, however, point out to the Committee that there are two things which seem to be decidedly objectionable. The one is that the Clyde Trustees, in taking up the polluted refuse from the bottom of the River Clyde, save themselves the trouble and expense of sending it sufficiently far out to sea, and deposit it in places where it is not right and proper that it should be deposited, and if that process is carried on to any considerable extent it cannot be otherwise than most injurious to health. In addition to that, during the last year or more a large chemical company has been in the practice of sending large quantities of refuse from their works down the river, and depositing it also at places where it is not proper that it should be deposited. It is quite evident that the Clyde Trustees and the Chemical Company could send their refuse sufficiently far out to sea to make it perfectly safe. That they do not do that now is quite certain. The whole matter resolves itself into a question of expense. I can assure the hon. Member that the question is not being lost sight of. We are receiving from day to day information with regard to it; and the Secretary for Scotland is most anxious to take any action that the law allows him to take. It is very difficult to decide how such a matter is to be dealt with. I am not sure that unless the Secretary for Scotland can establish real danger to the public that he can take steps to put a stop to what is going on. If the Secretary for Scotland finds that his powers are sufficient to deal with the matter, I can assure the hon. Member that these powers will be exercised; and if he finds that he has not sufficient powers, the question will be most carefully considered as to what steps ought to be taken for the purpose of putting an end to this seriously objectionable state of things.

MR. BRADLAUGH: The answer of the Lord Advocate is in the highest degree satisfactory; and I thank the Government for the great pains they have taken in the matter. If it should turn out that it is not in the power of the Secretary for Scotland to deal with the matter, I would suggest that a short Bill might be introduced next Session to prohibit this deposit nearer than Ailsa Craig. I have no wish to fix the precise spot, but I am informed that, except the question of expense, there will be no difficulty in taking this refuse as far as Ailsa Craig, from whence it could not find its way into the land loched waters or do any harm whatever.

General Sir GEORGE BALFOUR (Kincardine): I see there is a Vote of £9,000 for the Office of the Secretary for Scotland. I want to know whether any portion of that sum has been taken from other Departments which have been discontinued, and, if so, to what extent the charges on the country have been increased by the creation of this Office?

Mr. J. H. A. MACDONALD: I understand the hon. and gallant Member to ask how much of this item of £9,143 is for additional expenses. If I remember rightly there has been nothing added to the Vote, since the Department was formed. There has certainly been nothing additional in the shape of salaries.

General Sir GEORGE BALFOUR: What I wished to know was what the cost has been of transferring the Department from the Home Office to Dover House?

Mr. J. H. A. MACDONALD: I cannot say at the present moment.

General Sir GEORGE BALFOUR: The information would, I think, be of importance, because it would enable the Committee to judge what the duties are which have been taken over. At present we have no idea of the value of the work performed by the Department. For my own part, I think that the Office of Lord Advocate ought to be abolished, and the Department of Secretary for Scotland made more efficient. At all events, we ought to have the Secretary for Scotland in this House, or someone to answer for him. The present state of affairs is most unsatisfactory. There is another point upon which I wish for information. On four occasions I have asked a simple question as to when the returns in reference to local taxation are to be given. I have questioned not only the Lord Advocate and his Predecessor, but also the First Lord of the Treasury without effect, and I find that the Return is more backward now since it came into the hands of the new Scotch Department than it ever was before. So far as the cost of the Office of the Secretary for Scotland is concerned, it is out of all proportion to the benefit Scotland derives from the existence of the Office; and it is a most unsatisfactory arrangement to have the head of the Department in the House of Lords.

Mr. E. ROBERTSON (Dundee): I am very glad that my hon. and gallant Friend has called attention to this very important question of expenditure. The question submitted by my hon. and gallant Friend was how much does the Office of Secretary for Scotland cost the country. We know how much it is worth to the country, and we want to know what it costs. I have been extracting some figures from official documents which give, to some extent, an answer to the question. The Scottish Secretary's Office costs £9,143. In "another place" the Secretary for Scotland resented, with indignation, the supposition that his Office costs as much as £10,000 a-year. He said it was only about £7,000. Yet we have here a single item that amounts to £9,143. But that is not anything like the whole expense. The most important department of the office is that connected with education, and I find that the expense of the London Office for the management of Scottish education is £9,455. Then there is the cost of the building in which the department is accommodated. The annual value of Dover House is, I believe, very considerable. I do not know whether it is leased as Government property, or whether it has been purchased; but the expenditure upon it cannot be much less than £3,000 a-year. [An hon. Member: £2,800.] Then we may call it £3,000 in round numbers. In one of the other Estimates we have passed there was a considerable sum put down for the furnishing of the office, and what other items there may not be scattered through the Estimate I do not know. Taking all the figures I have before me, I find that the Scottish Secretary's Office, instead of costing only £10,000, costs something more nearly approaching £20,000 a-year. It may be said that some of the work connected with the Education Department is done by means of English expenditure and the cost defrayed under the head of

English items. How that may be I do not know; but it is one of the points upon which I think the Committee ought to have information. We ought to know how much additional expenditure has been caused by the creation of highly-paid offices in order to provide for the management of Scottish education and other business offices which were not in existence before the Secretary for Scotland was appointed. The Secretary himself has £2,000 a-year; Sir Francis Sandford, the permanent Under Secretary, £1,500 a-year. Then there are a Private Secretary, an Assistant Under Secretary, and other officers. The permanent Under Secretary, in addition to his salary, receives a pension for services in connection with another Government office. [Mr. J. H. A. MACDONALD: That is not so.] I think we are entitled to know exactly how much additional expenditure has been inflicted on the country by the creation of the new office. We are going, I believe, on Wednesday next to discuss a Bill which deals with the Office of Secretary for Scotland if other important orders can be finished in time to reach it. Therefore, I will not follow my hon. and gallant Friend at length into the important question he has suggested, rather than raised, as to the utility of the Office of Secretary for Scotland. I agree with him, as an outsider, that the business of Scotland was as well, if not better, done by the Lord Advocate in former days than it is now by this elaborate machinery of the Scottish Secretary. If I were in the position of the Lord Advocate, I should feel ashamed of myself and of my immediate Predecessors, who have succeeded in destroying the *prestige* and efficiency of the great and noble Office which he now fills, and which they have allowed to be replaced by this Brummagem Office of Secretary of State for Scotland. Whatever the facts of the case may be, as to the additional expenditure which the Office of the Scottish Secretary has brought upon the country, I want to warn hon. Members from Scotland that in all probability they have not seen the end of this increased expenditure. Most of us here have heard hints dropped that the expenditure is likely to rise higher. It has been suggested that the Office of Secretary for Scotland is not sufficiently dignified, and that we must make him a Secretary of State, with a seat in the Cabinet, and a salary of £5,000 a-year instead of £2,000, and have an Under Secretary to answer questions in this House when the head of the Department is in the House of Lords, which means at least £1,500 a-year additional. I thank my hon. and gallant Friend the Member for Kincardine (Sir George Balfour) for having raised the question, and I hope the right hon. and learned Gentleman the Lord Advocate will be in a position to tell us what is the extra expenditure imposed on the country by the creation of the Office.

MR. ANDERSON (Elgin and Nairn): I heartily endorse all that has been said by my hon. Friends as to the very unsatisfactory position of the Scottish Secretary's Office. Speaking as a very humble Member of the House, I am prepared to say that since the removal of the present Chief Secretary for Ireland and the appointment of the Marquess of Lothian, the Office has, so far as this House is concerned, been practically closed. It was originally intended, before the Act was passed, that the Office of Secretary for Scotland should be held by a Minister of high position, and also a Member of the House of Commons. That was the position of affairs until the unfortunate removal of the right hon. Gentleman the Member for East Manchester (Mr. A. J. Balfour) from the post he was so well qualified to fill to another which he was altogether unfitted to fill, and the appointment in his place of Lord Lothian. The Marquess of Lothian before his appointment had no departmental experience, and he was not a Minister in any sense of the word. It was never intended that a nobleman who had had no departmental experience should be placed in an important Office of this kind. I cannot help thinking that it is rarely possible to put a man into such an Office as that of an important Minister of State all at once. To fit him for the Office he must have had some previous practical experience. This nobleman had had no experience whatever. He had never been in any Office at all, and I think that it was one of the most unfortunate steps that have ever been taken by a Government. Surely there might have been found in this House some hon. Member who was fit for the Office. The Conservative Party is very numerous, and the Government ought to have large supplies upon which they could draw, and I cannot understand how it has happened that they have been unable to find in this House an hon. Member whom they could appoint. The result has been that the Scottish Business in this House has been in a state of indescribable confusion. First of all, we ask questions of the Home Secretary; he tells us to put them to the Lord Advocate, as he, of course, knows nothing about Scotch Business. [Mr. J. H. A. MACDONALD dissented.] The Lord Advocate shakes his head. What I desire to point out is that the Act of Parliament in creating the Office of Secretary for Scotland placed the business of the department in the hands of the Secretary for Scotland only. The Lord Advocate has no more jurisdiction and no more power to discharge the duties which were conferred by Statute upon the Secretary for Scotland than has the Home Secretary or anybody else. The object of the Act was to do away with the Lord Advocate, to prevent him from interfering in matters over which he has no real jurisdiction, and to place in the hands of a paid official the whole of the Scottish Business. What the Lord Advocate really does is this. He is reduced to the position of replying to any question put to him by reading from a paper something which, I suppose he has got from Lord Lothian. The consequence is this. If the answer is not satisfactory, he is asked for a further explanation, but the Lord Advocate is absolutely dumb. He says that he cannot give any further information, and that the Member who asks the question must give Notice of it. Surely that is not the way to conduct the Business of this House, and hon. Members have only to compare it with the way in which Irish Business is conducted. The Secretary to the Lord Lieutenant is a Cabinet Minister; he has a seat in this House; but even that is not enough, so he is assisted by someone else—the right hon. and gallant Gentleman the Assistant Secretary. No doubt, the Scotch Members are much more lamblike than the Members from Ireland; but they think it is not too much to claim that Scottish Business should be attended to in the House of Commons by some official Secretary or Under Secretary, who is primarily responsible for it. As the Government have seen fit to depart from the original intention of Parliament in creating the Office of Secretary for Scotland, and as they have not appointed some Minister who has a seat in this House, I propose to reduce the Vote for the salary of the Secretary. Although £2,000 a-year may not have been an unfair or unreasonable salary for the right hon. Gentleman the present Chief Secretary for Ireland, when he filled the Office, seeing the work he had to do, that he could at all times be approached by the Scotch Members, and the hours he is compelled to sit here during the day, I think everybody will agree that one-half of that sum is quite ample for the salary of the present holder of the Office. I beg to move, therefore, that the salary of the present Secretary of State for Scotland be reduced by the sum of £1,000.

Motion made, and Question proposed, "That Item A, for Salaries, be reduced by the sum of £1,000."—(*Mr. Anderson.*)

MR. ESSLEMONT (Aberdeen, E.): I think my hon. Friends who have made reference to this matter have forgotten the circumstances under which the Secretary for Scotland was appointed. They say that the Lord Advocate has been denuded of his *prestige* and powers; but they should remember that the Lord Advocate never had any *prestige* or power in the House of Commons. I will make hon. Members a present of the word "*prestige*," and will confine my remarks to the word "power." The Lord Advocate, in former days, was under the Home Secretary, and he had no power to deal with Scottish matters with any degree of authority. How far power and authority were given him by the courtesy of the House and of the Government is another matter, and so far as courtesy is concerned, it will be extended, no doubt, to the right hon. Gentleman now. The Secretary for Scotland was appointed in order that the Scottish Business might receive more attention. I can understand that the hon. and learned Member for Dundee (Mr. Robertson) should feel inclined to stick to his own profession. He says that the Lord Advocate ought to be the man to represent Scotland in this House, because he belongs to the Legal Profession, and the hon. and learned Member arrives at that conclusion because he sees that if it were adopted generally, all the Offices in connection with the management of Scottish affairs would be absorbed by the Legal Profession. But those who are outside that profession have never been of that opinion, and do not think that the whole of the business of Scotland should be in the hands of any single profession, however respectable. But while I disavow some of the sentiments expressed by the hon. and learned Member, which appear to me to have sprung from a misunderstanding, I quite agree with him in believing that the Scotch constituencies are, to a great extent, responsible for the creation of the Office of Secretary for Scotland. The constituents of the hon. Member as well as my own were originally strongly in favour of the new Office. What was asked for at that time was, that there should be such a concentration of Offices in Scotland under one head as would render the Department more efficient and economical, and we were told at the time that, by having the Scottish Department under one head, we should be able to do away with a number of officials who were then necessary. I am bound to say, speaking as an economist, that we ought to draw our attention to much more important matters than the fuss which we have been making over a dinner in Edinburgh. While I object strongly to all the guzzling which goes on, and am ready to admit that the cost of this particular dinner was most extravagant, I would ask what is it compared with the payment of £12,000 a-year for the Secretary for Scotland's Office while we get nothing from it. I think that the hon. and learned Member for Dundee has greatly underrated the importance of the Education Department. I believe that Department is under efficient management.

Mr. E. ROBERTSON: May I be allowed to explain. I made no such imputation as my hon. Friend seems to suppose. I only asked the Lord Advocate to tell us how much is the additional expenditure brought about by the creation of the new Office, and the transfer of education to that Office.

Mr. ESSLEMONT: I am glad my hon. Friend rose to make that explanation, because he went on to show that the Secretary for Scotland's Office costs £20,000 a-year, including the cost of Scotch education. I am willing to take the actual cost at one-half of that sum, but what we spent before on the Education Department is spent now, and cannot well be dispensed with to any appreciable extent, if we had no Secretary for Scotland at all. Nevertheless, a sum of £10,000 a-year is a serious sum to pay for the Office of Secretary for Scotland, and the hon. and learned Member for Dundee has not informed us whether the cost of the Office without taxes, which I believe amounts to £2,800 a-year, is included. In making these remarks let me disavow any personal criticism of the nobleman who at present holds the Office as Secretary for Scotland. I do not know him personally very much. I have only come in contact with him a few times since his appointment, but I am bound to say that in the small intercourse I have had with him the Secretary for Scotland has shown the greatest courtesy, and every desire to do what he can for the people of Scotland. But how can he? He belongs to the Conservative Party, which is in a miserable minority, to say the least, in Scotland. He is not in touch with the constituencies of Scotland—indeed, he is bound not to approach them on account of his noble disabilities. He has no place in the Government, and therefore he cannot influence the Government. He is not in the House of Commons, so he cannot be in touch with the people's Representatives, and he is placed in such a position that he represents nobody. He can do nothing for anybody. The salary is not too much, probably not enough, for the Secretary for Scotland, actually at the head of the whole Scottish Business, but at the present moment the appointment is purely an ornamental one, purely honorary. For that reason I venture to suggest that it should be held as an honorary appointment, with no salary attached, and for that reason I had intended to propose the reduction of the vote by £2,000. I do not, however, mean to say that we are to have a Scottish Secretary who should be paid as much as other Ministers. I certainly do not think £2,000 a-year too much, provided we could give the holder of the Office work to do. I have no desire to enter into a discussion of the Bill which is to come on to-morrow. I would only express a hope that the additional powers proposed to be conferred upon the Secretary for Scotland by that Bill will render the Office effective. I shall not, therefore, push my Amendment to a Division, or trouble the Committee to discuss it after the discussion which has taken place. But I wish to take the opportunity of saying that this Office has been a disappointment. It has added a great deal of expense without adding any great efficiency. We cannot go on voting £9,000, £10,000, and £12,000 without getting more effective service. I do not blame the Office for this neglect of Scottish Business. That is the blame of the Government. They have squeezed us into a corner so that we have to be content with the mere fragments that fall from the table of the English Members and the Government, who take every hour of the time of the House, and thrust the Scottish Members aside. But I can assure the Lord Advocate that the Scottish Members will not rest content much longer with such a state of matters. If the Office continues inefficient it will be a matter of disgust to the Scotch people that the country is called upon to pay so much for the small amount of work done.

MR. DONALD CRAWFORD (Lanark, N.E.): My chief object in rising is to call further attention to some of those matters of detail referred to by my hon. and gallant Friend (General Sir George Balfour) which I think have an important bearing on the general question of the efficiency of the Department in the discharge of its duties. I desire, in the first place, to say that I think it is premature to go so widely into the question of the present position of the Secretary for Scotland's Office, when we are about to discuss a Bill on the subject to-morrow. I take it that the Office, which is young, and still, no doubt, on its trial, was created with two definite objects. One was to enable Scottish interests to be more directly, more powerfully, and more influentially represented in the Government of the country than has hitherto been the case; and the second object was the necessity or the prospect, real or supposed, that Scottish Business in future would be done with more efficiency and despatch. Unfortunately, the first object has failed. The present Secretary for Scotland is not in the Cabinet, and at the end of the Session, when we see Scottish measures introduced and submitted to Scottish Members, almost at the point of the bayonet, in the second week in August, we are painfully convinced that any improvement we expected from the institution of the Office in that respect has been in no degree realized. My hon. and gallant Friend (General Sir George Balfour) called the attention of the Committee to the delay in producing the Local Taxation Returns, which are required by Statute to be published, and are of considerable interest. As a supplement to the statement which the hon. and gallant Gentleman has made, I may remind the Committee that these Returns are at present actually more than two years in arrear, and that the value of such information entirely depends upon its being supplied within a reasonable time. I should like to compare the practice in the existing Office in this respect with the practice of its Predecessor, with which I had the honour to be connected. The Local Taxation Returns Act, which imposes on local bodies the obligation of making these Returns, was passed in August, 1881, and the first Returns for the year ending the 15th of May, 1881, were presented on the 9th of May, 1882, or in less than 12 months. The Returns for the year ending May 15, 1882, were presented on the 27th of June, 1883, or a little more than 12 months; those for the year ending May 15, 1883, were presented as late as September, 1884—that is to say, 16 months afterwards, and I well remember that the Lord Advocate of the day considered the delay to be very serious, and resolved that it should never occur again. The Lord Advocate ceased to be responsible for these Returns in the following year, and what was the result? I find that for the year ending May 15th, 1884, the Returns were not presented to this House until June 11, 1886, or two years and one month after date. That was the first specimen the new Office gave of increased efficiency and despatch. The Returns for May 15, 1885, were only presented on the 7th of June last. I do not make these criticisms upon the new Office in any unkind spirit; still less upon the present holder of the Office, whom I regard as being very little responsible personally for the delay, and as pointed references have been made to him, I will only say that from the communications which I and other Scotch Members have had with him in regard to Scotch business, I have every reason to believe that he is anxious to do his best for the interests of Scotland. I think that his extreme courtesy and his attention to the duties of the Office are no small qualifications, and it is not my object to cast any blame upon the Secretary or his staff; but it is quite certain that the Office itself is on its trial, and therefore it may not be untimely to remind those who are responsible for its business that the House of Commons desires it to be done with a great deal more efficiency and despatch in future.

MR. J. W. BARCLAY (Forfarshire): I do not quite understand what some of my hon. Friends desire in regard to this Office. I sympathize with them as far as the results of the change are concerned—namely, that the working of the Office has caused disappointment, and has not equalled the expectations that were formed of it. But they must recollect that there has always been a divided responsibility in the Scotch Office. At one time we have had to refer to the Lord Advocate, and at another to the Home Secretary, and it was to get rid of this difficulty that the Scotch Members, and the people of Scotland generally, were anxious for the creation of this Office. I do not think that anything has been done to impair the dignity of the Office of Lord Advocate. The two Offices are distinctly separate, and although in former times the Home Secretary and the Lord Advocate divided the whole business between them, I do not think that that was altogether a satisfactory arrangement. It must not be forgotten that the Liberal Government were, to a very large extent, responsible for the way in which the Office has been created and administered. The present ground of complaint is this—that the whole of the Administration of Scotland was not transferred to the Secretary for Scotland when the Office was created. We are told that some improvements are going to be carried out in this direction by the Bill which is to be brought on to-morrow; and if so, I hope the measure will receive the cordial support of Scottish Members. But we have to complain that the interests and the feelings of individuals receive more consideration than the public interests in dealing with Scottish subjects. I think we ought to insist upon the Secretary for Scotland being a Member of this House; and also the Representative of a Scottish constituency. I think it was very unfortunate that with respect to the last Secretary for Scotland he did not represent a Scottish constituency. I am not particular to the Secretary being a Scotchman; but we are entitled to expect that he should represent a Scottish constituency, because that would give us some guarantee that he was in sympathy with, at least, a portion of the people of Scotland. Holding these views, I hope the Members for Scotland will move in the direction of increasing the responsibility and dignity of the Office of Secretary for Scotland, and not concentrate the business of Scotland in one hand; further, that they will insist upon the Secretary being a Member of the Government of the day and a Member of this House. I hope that the Vote will be accepted without further discussion, so that we may have time for the consideration of other Scottish Votes that are to come before the Committee, and that the Government will not misunderstand the feeling of Scottish Members on this question.

DR. CAMERON (Glasgow, College): I have no desire to continue the discussion; but it appears to me that we have lost sight of one very important point in connection with this Office. One of the real reasons for the creation of the Office was the hope that it would get rid of the constant changes which took place in the administration of the Office by the Lord Advocate. The Lord Advocate generally came in quite new to his duties, and with no knowledge of the Rules of the House, and as soon as a vacancy occurred on the Scottish Bench he was removed. The result was that the Parliamentary life of a Lord Advocate rarely exceeded two and a-half years. It was, therefore, desired that a Secretary for Scotland should be appointed, who should be entrusted with the entire administration of Scottish affairs. It was hoped that a somewhat more permanent policy might run through the administration. Unfortunately, that expectation has not been fulfilled, for short as was the Parliamentary life of the Lord Advocate previously, the life of the Secretary for Scotland is apparently much shorter. Since the Office was created, we have had no fewer than five Secretarys for Scotland, and of those no fewer than three have been in "another place." The result is that we do not know how we stand now even so well as we did under the former system. Formerly we had the Home Secretary and the Lord Advocate before us in all matters of importance, and we knew where the administration of the one began and the other ended. Now, it is impossible for us to tell where the jurisdiction of the Lord Advocate ends and that of the Secretary for Scotland begins. The hon. Member for Hawick (Mr. A. L. Brown) the other day addressed some questions to the Lord Advocate with respect to a correspondence between the Secretary for Scotland and the Fishery Board, and the Lord Advocate disavowed any knowledge of or any responsibility for the letters.

MR. J. H. A. MACDONALD: What I said was that I declined to make any comment on the conduct of the Secretary for Scotland. I knew of the circumstance quite well.

DR. CAMERON: The right hon. and learned Gentleman no doubt refused to make any comment, and he declined to give the explanations asked for, as it would have been unbecoming in him as a subordinate official of the Secretary for Scotland.

MR. J. H. A. MACDONALD: I never used the word "subordinate." I was careful not to do so. I said a junior official.

DR. CAMERON: I deny that the right hon. Gentleman is a junior official. If he is a junior official in any way, he is the junior official of the Home Secretary. This, however, only illustrates the position in which we stand. We do not know where the responsibility of one official begins and that of another ends. As my hon. Friend the Member for East Aberdeen (Mr. Esslemont) has pointed out, when we asked for an explanation, and expect to receive it, from the Lord Advocate, we are told that we must go to the Secretary for Scotland. My hon. Friend wants to know how we are to get at the Secretary for Scotland. We are compelled in this House to ask all sorts of questions, and we are required to approach all sorts of Ministers on different matters. Probably an appeal may lay to the First Lord of the Treasury, who knows absolutely nothing about Scottish Business, and who gave us some wonderful information the other day about the Scottish Sheriff Courts, having arrived at the conclusion, because the word "Sheriff" was made use of, that the matter must be one which affected Scotland. Upon other matters we have been obliged to put questions to the Secretary to the Board of Trade, who has nothing to do with Scottish Business, and is not likely to waste too much time in giving the information we desire. Then, again, matters relating to teinds come under the First Commissioner of Works, and if we want to know anything about Excise questions we have to apply to the Secretary to the Treasury. I remember that when you, Mr. Courtney, were Secretary to the Treasury, we had to apply to you on various points, and I must say that you generally dismissed us with a minimum of information. The other day, when the question of Scottish vaccination was concerned, we had a reply from the President of the Local Government Board, who protested that he could do nothing for Scotland, because he had no control over that field of action. These are the reasons why the Office has not given the satisfaction which it ought to have given. We want more concentration of Scottish Business in the hands of the Scottish Secretary, and we want, above all things, that the Secretary for Scotland should be a Member of the House of Commons, in which House alone Scotland can be said to be represented.

SIR GEORGE CAMPBELL: If the Amendment is pressed to a Division, I shall certainly vote for it, on the sole ground that the Secretary for Scotland ought to be in the House of Commons. That is the only reason that would induce me to vote for a reduction of the salary of that officer. As a matter of fact, the Secretary for Scotland and his assistants have at this moment a ridiculously small amount of work to do. We have an establishment for Scotland quite apart from the Educational Department, for which we pay the Secretary £2,000 a-year, the Under Secretary £1,500, the Assistant Secretary £950, together with a private secretary and other officers. It is quite patent that the heads of the Office are much overgrown in proportion to the body. I think the remedy is that we should not attempt to get rid of the difficulty by reducing the Office, but by increasing the work. I believe that

that could be done to a very large extent. I entirely disagree with my hon. and learned Friend the Member for Dundee (Mr. Robertson) in the view he has expressed that the work of Scotland should be administered by the Lord Advocate. The Lord Advocate is all very well in his way; but I do not want to see the Business of Scotland placed in the hands of a lawyer. I do not think, however, that this discussion will have been wasted in view of the Bill which is to come before us to-morrow for increasthe power of the Secretary for Scotland. On the contrary, I think that it has been a good thing to clear the air, as it were. Two important changes ought to be effected—one of which is to bring the Secretary for Scotland into this House, and the other to increase the work.

Mr. A. R. D. ELLIOT (Roxburgh): I have no wish to anticipate the discussion which is to take place to-morrow; but I believe we are all agreed in thinking that, having got the Secretary for Scotland, we should make the Office as important as possible, and that the Secretary himself should be an important person, having his due weight in the councils of the nation. That, I think, might be done in two ways—first of all, by adding to the responsibility of the duties which he has to perform; and, secondly, in taking care not to limit the class of Members from whom the Office may be filled. I should say that it is desirable to get a distinguished Member of Parliament who is thoroughly recognized by the nation as suitable for a seat in the Cabinet, and a Member who would be well acquainted with the affairs of Scotland, whether he happens to represent a Scottish constituency or not. For that reason, I was glad to see the right hon. Gentleman the Chief Secretary for Ireland filling the post. We must remember, however, that Parties in this House are very unequally divided, and in appointing a Minister for Scotland, there are probably not more than half-a-dozen Members to select from, and we ought to be able to draw from a considerable surface if it is desirable to get a man, such as I have indicated, to do the work. I have said that I do not wish to anticipate the discussion which is to come on to-morrow; but there is one question which I should like to put to the Lord Advocate. I wish to know whether there has been any instance, whatever, of a certificate having been granted by the Inspector who was appointed under the Rivers Pollution Act. I believe that a special Vote of £50 a-year was thrown upon the Estimates by the Act of 1876; but as far as I know the Inspector of Rivers Pollution under that Act has never granted a single certificate. That is one point in the Act of 1876 to which I would draw the attention of the Government. But there is another, and that is that if there is to be a system of inspection at all, it ought to be an effective one. The late Inspector—I do not know whether the person who at present fills the office entertains the same view—maintained that unless the wording of the Act of 1876 was materially strengthened he could not conscientiously give a certificate. He was required to certify that the means used to prevent the pollution of rivers were absolutely the best that could be applied, and as he was not prepared in any instance to say that the best means had been applied on that ground he refused to give any certificate whatever. In the next place, a certificate, if granted, although, as I have said, there has never been an instance in which one was granted, would have been ineffective. That is to say that although a manufacturer at Hawick or Galashiels did the work satisfactorily, any riparian proprietor who considered the steps taken to render the discharge from certain works innocuous, incomplete, and unsatisfactory, can bring his action against the manufacturer and enforce process. Now that is certainly a most unsatisfactory state of things, and if Parliament gives a power of inspection and enables a certificate to be granted the decision of the Inspector, when it has been arrived at, should be respected. Unfortunately the manufacturer, whatever expense he may go to in order to render the discharge from his works into the river absolutely innocuous, is at the mercy of any riparian proprietor lower down who chooses to bring an action against him. That is not a position in which these gentlemen ought to be placed, and I hope the Lord Advocate will give his attention to the matter.

Mr. A. SUTHERLAND (Sutherland): Before the Lord Advocate rises to reply, I wish to say that we ought not to rest satisfied with an arrangement which leaves the Secretary for Scotland a Member of the other House of Parliament. I also object most emphatically to the Lord Advocate being made either in principle or in practice a Parliamentary Under Secretary to the Secretary for Scotland. I look upon the Office of Lord Advocate as one of greater dignity and standing in Scotland than the Office of Secretary for Scotland has proved to be. The Office has been created for the avowed purpose of increasing administrative efficiency in Scottish affairs, and to promote Scottish Business in Parliament; but a sufficient commentary on that is furnished by the fact that it is necessary to meet, at this period of the Session, in order that Scottish Members may be able to make some arrangement for advancing Scottish Bills.

Mr. J. H. A. MACDONALD: I have to say, in reply to the hon. Member for Roxburgh (Mr. A. R. D. Elliot), that to my knowledge the Inspector under the Rivers Pollution Act has done work, and good work, and has granted certificates; but I quite concur with the hon. Member in thinking that an arrangement by which we have an Inspector for Scotland, who is resident in London, and paid by salary, is not a proper arrangement. How it works I do not know. I have called attention to it in the Department, and I hope some better arrangement will be made in this respect. Then, with regard to the Office of the Secretary for Scotland, and the changes in the Office of the Lord Advocate, I think the only occasions on which during the last seven years there has been any change have been occasions when Her Majesty's Government as a body have changed. For instance, there was no change between 1880 and 1885, and the only reason why there have been three changes during the last two years is, that during the last two years there have been three changes of Government. Since its creation the Office of Secretary for Scotland has been filled by five persons; but it must be remembered that on two occasions the change was in consequence of a change of Government. The Duke of Richmond and Gordon was the first holder of the Office, and I believe that one of the main reasons that influenced Her Majesty's Advisers in that appointment was that in him they had one who would hold a seat in the Cabinet. That example was followed in the appointment of my right hon. Friend the Member for the Bridgeton Division of Glasgow (Sir George Trevelyan), and I will leave it to that right hon. Gentleman to say whether the Office was a sinecure Office. As regarded the changes which have since been made, the late Liberal Government appointed a nobleman who was exactly in the same position as the Marquess of Lothian, of not having hitherto held an important or any paid Office under the State, and when the present Government came into Office, the present Chief Secretary for Ireland (Mr. A. J. Balfour) was appointed, and was afterwards admitted to the Cabinet. And now the Marquess of Lothian has been appointed, and, from my own knowledge, the noble Marquess has given a great deal of attention to Scotland, and has been most anxious to do his duty in the Office. As during to-morrow we shall have a further discussion on the subject, I hope hon. Members will meanwhile be satisfied with having raised these points. While there is great unanimity in the direction of increasing the importance of the Secretary for Scotland's Office, we have not had the same unanimity on other matters that have been discussed, and the real point is whether that Office is to be made one of sufficient dignity and strength for the carrying on of Scottish Business. That object, I hope, will be secured by the measure which is to be discussed to-morrow.

Dr. CLARK (Caithness): May I ask if anything can be done in reference to the appeals from the judgment of the Crofters' Commission? That Commission is under the Secretary for Scotland, and I think that something should be done to expedite its movements.

The CHAIRMAN: I must remind the hon. Gentleman that it is not desirable to discuss every item of the Vote upon the question now before the Committee.

Dr. CLARK: I only wished to point out the desirableness of having a decision upon a few test cases.

The CHAIRMAN: It is quite impossible to discuss that question upon the present Vote. It can be raised much more appropriately on Vote 3.

Mr. R. PRESTON BRUCE (Fifeshire, W.): I should like to ask the Lord Advocate to explain the cause of the unsatisfactory manner in which the local taxation Returns are presented. The remarkable delay which has occurred in presenting them has been pointed out by the hon. Member for North-East Lanarkshire (Mr. Donald Crawford), and I wish to know from the Lord Advocate whether it is owing to their being compiled by too many different and independent persons, or to there being an insufficient staff at Dover House? If that is the case, I hope some effort will be made to bring them into one single department, so that with greater expedition they may be presented in due time. In connection with this subject, an hon. Member has already referred to the great number of heads of departments at Dover House, and the extraordinary disproportion between the heads of the staff. Now, if there is business enough for all these heads, it is strange that they do not require more clerks. It strikes me that the evils complained of may, on the other hand, have arisen from not having a sufficient staff of clerks.

Mr. J. H. A. MACDONALD: The hon. Member has correctly stated the evil, which is the rather inefficient state of the lower staff for the purpose of overtaking matters of detail.

Question put, and *negatived.*

Original Question again proposed.

General Sir GEORGE BALFOUR: May I ask what is the Question now before the Committee?

The CHAIRMAN: It is the Vote of £5,143, to complete the Vote for the Salaries and Expenses of the Office of Secretary for Scotland.

Dr. CAMERON: There is one point I wish to call attention to—namely, the fact that Sir Francis Sandford, the permanent Under Secretary, is to have his pension from the Education Department as well as his salary of £1,500 a-year in his new Office. I think that that is introducing a very vicious system.

Mr. J. H. A. MACDONALD: I may explain that the salary of the new Office is fixed at £1,500; but of that Sir Francis Sandford only draws £1,000, because he has already £500 for his pension.

Mr. ANDERSON: May I ask the right hon. and learned Gentleman to make a statement in reply to the question of the hon. and learned Member for Dundee (Mr. Robertson) as to the real cost of the Secretary for Scotland's Department? It has been stated that it costs only £10,000 a-year; but it has been pointed out that it really costs much more, and I should like to know what the cost really is.

Sir HERBERT MAXWELL (A Lord of the Treasury) (Wigtonshire): It is impossible to answer the question with exact accuracy. I must remind the hon. Member that many of the duties undertaken by this Department were formerly under the Home Department; but if the hon. Member wishes it, I will have a statement prepared, showing exactly the cost of the present Scottish Department, and the saving effected.

Dr. CAMERON: My point was that if a public servant has work in him, he should not be abolished and pensioned, and then when he has a pension be placed in another lucrative office. If Sir Francis Sandford receives no part of his pension while he is in receipt of a salary, I have not a word to say; but that does not appear to be the case, because, as a matter of fact, he receives £500 in the shape of pension for his former services in connection with the Education Department. Are we to understand that he receives his full pay and a portion of his pension as well?

Mr. J. H. A. MACDONALD: His salary is £1,500 a-year, and while he holds office he draws £2,000, but does not draw the rest of his pension.

Dr. CAMERON: Then he does not draw £500 on account of his pension?

Mr. J. H. A. MACDONALD: No; he draws no pension; he only draws up to what the full salary of his former appointment could have come to.

Dr. CAMERON: Then may I ask what his pension is?

Sir HERBERT MAXWELL: The salary of the Under Secretary for Scotland is fixed at £1,500; but of that he receives only £633, being the difference between his pension of £1,333 6*s.* 8*d.* and his former salary of £2,000.

Dr. CAMERON: Then he does receive one-half of his pension in addition to his salary to make up the difference between the Office he now holds and the one which he held formerly?

Sir HERBERT MAXWELL: He could not be employed at a less salary than that which he formerly enjoyed, and in order to make the £1,500 equivalent to his old salary, he receives £500 from his pension.

Dr. CAMERON: I think this is a very objectionable system in principle; and as there has been no Division upon the Vote before, I think I ought to take one as a matter of principle. I am sure that my right hon. Friend the Member for East Wolverhampton (Mr. Henry H. Fowler) will agree with me that to have a berth of £1,500 a-year filled by an official drawing £2,000 a-year is not a sound principle. I will therefore move the reduction of the Vote is respect of the Under Secretary's salary by £500.

Motion made, and Question proposed, "That Item A, for Salaries, be reduced by the sum of £500."—(*Dr. Cameron.*)

Sir GEORGE CAMPBELL: I trust that my hon. Friend the Member for the College Division of Glasgow (Dr. Cameron) will not divide the Committee upon this point; because, after all, there is a real saving effected. If the Under Secretary had no work to do, his services might be dispensed with altogether.

Dr. CAMERON: I have always understood that it was the rule in Government Offices in the Civil Service, that if a person drawing a pension take active service, the pension is stopped and he only receives the salary. I wish to see that principle applied in every case.

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.): May I explain that when a man in receipt of a pension accepts a new office, his salary for the new office and the pension are not together to exceed the amount of the salary of the office he has vacated. In this case, the pension was £1,300 a-year, and that added to the salary of the new Office would have exceeded the amount of the salary of the office Sir Francis Sandford vacated, and therefore the new salary has been reduced to the amount necessary.

Dr. CAMERON: That principle is, in my opinion, equally objectionable; because if the pension is high and the remuneration of the new Office low, the officer will be allowed to draw a much larger salary than the Office is considered to be worth. You may be effecting a saving; but it occurs to me that Sir Francis Sandford is not only receiving his salary, but a considerable portion of his pension as well.

Mr. ESSLEMONT: Are we to understand that the pension is paid on account of the abolition of office?

Sir HERBERT MAXWELL: No; there was no abolition of office.

Mr. ESSLEMONT: Then, I think it is highly objectionable that a public servant should be able to retire on a pension of £1,300 a-year who is perfectly capable of taking a fresh office at £1,500 a-year. The fewer of these retirements we have the better. I hope, however, that my hon. Friend the Member for the College Division of Glasgow (Dr. Cameron) will not press the Amendment, because I think that if we had to pay the pension and the salary as well, we should be paying £2,800 odd. At the same time, I entirely deprecate the mode by which gentlemen are retired at a pension of £1,300, who are still capable of filling situations of this kind.

Mr. STEPHEN MASON (Lanark, Mid): Let me point out that, by this arrangement, if Sir Francis Sandford drew his pension of £1,300, and another man held the new post at £1,500, the present cost would be exceeded by £800.

Mr. CALDWELL: I believe that Sir Francis Sandford's sole object in accepting the new Office was his great desire to benefit by his experience the work of the Scottish Office. He could have retired and saved himself a great deal of trouble; and his only motive, I believe, was one of liking for his work.

Dr. CAMERON: I am afraid my hon. Friends hardly realize how the Pension List is increasing. However, as it is late in the Session and we are all desirous of getting on, I will not divide the Committee; but I have brought the matter forward because the principle is a wrong one to retire a person with £1,300 who is still capable of work. The Secretary to the Treasury knows very well how this burden of pensions is anually growing. All I can say is that if Sir Francis Sandford was capable of active work, he ought to have stuck to his post. I do not see why we should give these enormous pensions to gentlemen who are fit to do work when wanted. In my opinion, the only economical rule to follow would be to take the difference between the pension and the pay of the office, and I strongly object to the principle of sanctioning by silence in this House the holding of an office worth only £1,500 a-year, and paying

£2,000 for it. By allowing a public servant to draw in every case an allowance up to his former salary, we are, I am afraid, adopting a very dangerous principle.

MR. JACKSON: I must remind the hon. Member for the College Division of Glasgow that Sir Francis Sandford, according to the Rules of the Service, was entitled to retire, because he had served the full time necessary to entitle him to retire with this pension. The hon. Member says that he ought not to have been allowed to retire while there was any work in him; but Sir Francis Sandford was entitled to claim his retirement and pension. Under the arrangement now made, Sir Francis Sandford will receive the difference between his pension and his former salary of £2,000 a-year—namely, £633 odd, and if another person had been appointed, we should have had to pay the pension of £1,300 odd and the salary of £1,500, making upwards of £2,800. As far as the question of pension is concerned, Sir Francis Sandford was entitled to it by the Rules of the Service; but it has been thought advantageous to make use of his services in another capacity, and by that means a saving has been effected of £800 a-year.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £4,067, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly on the Hereditary Revenue."

GENERAL SIR GEORGE BALFOUR: May I ask who it is who moves this Vote?

SIR HERBERT MAXWELL: I do.

GENERAL SIR GEORGE BALFOUR: There are some items in the Vote which appear for the first time; and I want to know distinctly who is responsible for them?

SIR GEORGE CAMPBELL: The hon. Member for Northampton (Mr. Labouchere) has given Notice of his intention to move the reduction of this Vote. I also intend to move certain reductions, which amount to £1,000. In the first place, I propose a reduction of £625 on account of the Lyon King-at-Arms, of £260 on account of the Clerk and Law Agent of the Bible Board, of £97 for Her Majesty's Limner, and of £218 on account of Queen's Plates. I want to know whether Her Majesty's Limner supplies any pictures for the money allowed to him?

Motion made, and Question proposed, "That a sum, not exceeding £3,067, be granted for the said Services."—(*Sir George Campbell.*)

SIR GEORGE CAMPBELL: I must press for an answer to the question I put as to whether Her Majesty's Limner supplies any pictures.

SIR HERBERT MAXWELL: The hon. Gentleman asks whether Sir Noel Paton, who is the present holder of this office—an office of extreme antiquity—supplies any pictures. My answer is that he does not. The office is entirely an honorary one, and the small salary attached to it is a slight recognition on the part of the State—it used to be on the part of the Monarch—of the measure of eminence attained by a living artist. These recognitions of distinction in the fine arts are not confined to this country, but are made, I believe, in every civilized country in the world. I do not think my hon. Friend can complain that in this case the recognition is too handsome.

MR. LABOUCHERE (Northampton): I doubt whether any other country has a Lyon King-at-Arms.

SIR HERBERT MAXWELL: My observations referred to Her Majesty's Limner.

MR. LABOUCHERE: I congratulate the hon. Member for Kirkcaldy (Sir George Campbell) on the protest he has made. This is the first time I ever heard a Scotsman object to anything that was to come out of the Consolidated Fund. I should vote for the reduction of this item; but, unfortunately, I have paired. The office of Lyon King-at-Arms is a sinecure. He does nothing, and the heralds do nothing. The whole business of heraldry is a relic of past ages. I have always opposed the Vote for these Kings-at-Arms, whether in England or in Scotland; and I shall always, when I have not paired, vote against it.

SIR HERBERT MAXWELL: The hon. Member says that heraldry is a relic of past ages. In the same way, all history is, to some extent, a relic of past ages.

MR. LABOUCHERE: Yes; but we do not pay for it.

SIR HERBERT MAXWELL: The Office of Lyon King-at-Arms is not a sinecure. The cost is really cheaper than appears on the Vote, and certainly is much less than the cost of Ulster King-at-Arms.

DR. CLARK: How much does he receive under Class III.?

SIR HERBERT MAXWELL: The extra fees received by the Lyon King-at-Arms were formerly payable to himself and the heralds and pursuivants of the Scottish College of Arms; but now they are payable to the Treasury.

SIR WILFRID LAWSON (Cumberland, Cockermouth): What does he receive these fees for?

An hon. MEMBER: For preparing pedigrees.

SIR HERBERT MAXWELL: I wish to take this opportunity to refute a statement made last year by the hon. Member for Northampton (Mr. Labouchere), to the effect that the Lyon King-at-Arms sent out circulars. It has been found out that the circulars in question were sent out by a lawyer in Glasgow, who has been dead 10 years.

MR. LABOUCHERE: As far as I can learn the Lyon King-at-Arms had a jackal, because he evidently benefited by these circulars in supplying the coats of arms. He receives fees for granting heraldic devices, if there are any Scotchmen who do not possess them. I consider the whole thing a premium on snobbism of the lowest kind, and I have a strong feeling that the whole of it ought to be done away with.

DR. CAMERON: I think that a portion of this officer's salary should be given to the person who touted for him.

MR. J. H. A. MACDONALD: He has been dead for 10 years.

SIR HERBERT MAXWELL: He never touted.

DR. CAMERON: Some years ago I received one of these circulars; but it so happens that I was not in the position of having assumed any arms, and therefore the circular had no terror for me, and the threat of having to pay a penalty of £40 fell harmlessly upon me. It is said that the jackal acted without the authority of the Lyon King-at-Arms. He is now dead; but he distinctly stated in a letter to me that he was not acting without the authority of the Lyon King-at-Arms. It is said that the touting has now ceased; but I understand that a circular of the same kind was issued last year. I should like to know, therefore, whether gentlemen of this kind are employed to bring grist to the Treasury mill?

SIR HERBERT MAXWELL: I have already tried to explain that this jackal, as he has been called, had no connection whatever with the Office of the Lyon King-at-Arms. He was an impostor, who worked entirely in his own interest.

DR. CLARK: I think the Committee ought to have a complete explanation of the remuneration of this officer. I am told that he receives a further allowance under Vote 3, and I want to know what the actual amount of his fees is? I think the Scotch Lord of the Treasury ought to be able to give us the information.

SIR HERBERT MAXWELL: I will tell the hon. Member how much the Lyon King-at-Arms receives under Class III. when that class is reached.

DR. CLARK: That is an evasion. If the hon. Gentleman will tell me he does not know I can quite understand.

Question put.

The Committee *divided*:—Ayes 78; Noes 157: Majority 79.—(Div. List, No. 368.) [6.50. P.M.]

Original Question put, and *agreed to.*

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £15,925, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Fishery Board in Scotland, and for Grants in Aid of Piers or Quays."

MR. MARJORIBANKS (Berwickshire): I think the discussion of this Vote would be shortened if the right hon. and learned Gentleman the Lord Advocate (Mr. J. H. A. Macdonald) would now state what position the Government intend to take up with regard to the Fishery Board. We do not at all consider that the Fishery Board is constituted in a satisfactory manner, and we desire to impress on the Government the necessity of saying what they intend to do with regard to it in the future. We contend that the Board ought to contain some man having practical experience in the matter of fisheries, and also acquainted with the fishing grounds on the coasts of Scotland. Then we want to know what is going to be done with reference to the constitution of the Board. It is an open secret that the relations between the members of the Board have been of the most strained character, the result of which has been that they have not worked together, and what has been done has not been done satisfactorily. I trust, therefore, the right hon. and learned Lord Advocate will give us some information on this subject, because I believe that his doing so will save a good deal of difficulty through our being able to discuss the question with knowledge of what is going to be done.

MR. J. W. BARCLAY (Forfarshire): The reply given to-day by the noble Marquess the Secretary for Scotland (the Marquess of Lothian) to the representations made to him was satisfactory to those Members who heard it; but the Fishery Board has not come up to the expectations which have been formed of it, and an opportunity will be afforded to the Government in October next of reconstituting the Board on a more satisfactory basis. The fishermen desire to have placed on the Board some person practically acquainted with the system of sea fishing, and they desire preeminently that some member of their own body should be appointed with the necessary experience. There seems to be in the way of that a practical difficulty—namely, that such members of the Board would require some remuneration for their services. But if it is found to be impracticable on that ground the noble Marquess the Secretary for Scotland ought to find out some persons along the coast who possess the confidence of the fishermen. Reference has been made to the scientific portion of the Board, and there is disappointment among many at the result of the scientific efforts which the Board has made. But I think that on that point the public should observe a greater amount of patience, because scientific facts are collected very slowly, and it is only after the collection of a considerable number of facts that useful conclusions can be drawn. For my own part, I shall be sorry to see any interference with the scientific investigations which are now going on, and I believe it would be a misfortune if we were abruptly to bring them to a close. The present members, I believe, are men of business, and I hope the noble Marquess will see his way to have these investigations continued. But it would be undoubtedly of great advantage to the scientific side of the Board if they had associated with them men of practical experience in fisheries; they would be able to exercise some influence over the investigations, and would, no doubt, open out points on which practical fishermen would desire to have information. Even if there was on the Board a representative of the fishermen themselves—if not a fisherman, a man practically acquainted with the wants of the fishermen—I think it reasonable to believe that the Board will become a useful institution; but hitherto it cannot be said that the Fishery Board has fulfilled the expectations formed of it when it was reconstituted five years ago. I hope, however, the Government are about to replace some of the members with more practical men, which will give the Board a new lease of life.

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): I think hon. Members will agree with me that the noble Marquess the Secretary for Scotland has said all upon this subject that can be usefully said at this stage—that is to say, that the suggestions made to him with regard to the appointment of practical fishermen on the Board, or of someone who knows the wants and possesses the confidence of the fishermen, will receive his most careful consideration. I may add that there is every desire to meet the views of all hon. Members which are practicable. I am glad that the hon. Member for Forfarshire (Mr. Barclay) has pointed out that the scientific investigations which are going on are of greater importance than some hon. Members have supposed, and that it requires patience on the part of the community. That is a thing, however, which it is difficult to obtain; but I hope that my hon. Friends who have influence with the fishermen will persuade them that these scientific investigations will be of extreme value, although they may not be brought so rapidly to a conclusion as practical suggestions can be carried out.

MR. ASHER (Elgin, &c.): I do not ask to know the names of the persons whom the Government propose to substitute for the members of the Board who will cease to hold office in the course of the ensuing year; but I am glad that the noble Marquess the Secretary for Scotland has given us an assurance that his own inclination was in the direction of appointing a fisherman to the Board, and I desire to impress on the Government the great necessity there is for that view being carried out. As the Representative of the Elgin Burghs, I come in contact with as large a number of fishermen as any Scotch Member in this House, and during the past few years the fishermen have been directing their attention to the expiry of the term of office of the present Board because they are not in feeling with it, and I must say, individually, that they have, with regard to its constitution, a considerable grievance. It seems to me extremely desirable that the duties entrusted to the Board should be performed by persons having the confidence of the fishermen, and who are acquainted with their wants. I am quite aware that there are difficulties in connection with this matter. One difficulty rests on financial grounds so far as regards a member of the fishing class becoming a member of the Board. It can scarcely be expected that such a man could give the time that would be required of him without his services were paid for. I think the Government would do well to consider whether a portion of the money voted by this House might not be applied for the purpose of enabling a fisherman, or representative of the class, to incur the expense of doing duty on the Board. However that may be, there is no doubt that the fishermen of Scotland desire that some person chosen by themselves should be on the Board, and they have recommended the appointment of a gentleman who possesses their entire confidence. My own opinion is, that it would be satisfactory if the services of a person of the fisherman class could be availed of for doing this duty; but there is no doubt that the gentleman they have selected would admirably discharge the duties of the post by reason of his knowledge and experience, and I hope the Government will keep this matter distinctly in view. What the noble Marquess the Secretary for Scotland said to-day has encouraged me in the hope that, on the reconstruction of the Board, the representative element will receive a large share of attention.

MR. ANDERSON (Elgin and Nairn): I had not the advantage of hearing the remarks of the noble Marquess the Secretary for Scotland on this subject; but I gather that the Government propose to take the matter into consideration. The hon. and learned Member for Elgin Burghs (Mr. Asher) may consider the statement of the noble Marquess the Secretary for Scotland satisfactory; but I confess that I do not regard it in the same way. It is a very poor thing to be told that the matter will be taken into consideration, because we know how little comes out of these promises as a rule. As far as the financial part of the case is concerned, I think I can suggest a satisfactory means of finding the money to pay the fishermen who it is desired should be appointed on the Board. There is one matter I do not understand in connection with this Vote, that is the £800 a-year paid to the Chairman. That large sum is paid to a gentleman who has never had anything whatever to do with the fishing industry; it was given to a gentleman who it was thought should have some reward for his political services, and who the fishermen consider is entirely unfitted for the post which he occupies. It is my intention to propose the reduction of this gentleman's salary. I think £300 or £400 a-year would be ample remuneration for him, and I suggest that the balance should go to pay the fishermen who are to be appointed to the Board. That is a proposal which I hope will find approval with hon. Members on both sides of the House. I hope the Government will support me in that proposal, and that the right hon. and learned Lord Advocate will tell us that they have come to the conclusion not to keep up this enormous salary. I want to avoid dividing the Committee on my Amendment; but I shall be compelled to do so, unless we have a satisfactory statement from the right hon. and learned Lord Advocate. There is another matter of great importance that I desire to refer to. It is to me a great disappointment to find that the Fishery Board have done so little with regard to fishing harbours. To promote and improve the smaller fishing harbours is one of the most important things connected with the fishing industry of Scotland. Perhaps some hon. Members have seen the Report of the Scotch Fishery Board; it has only been in the hands of hon. Members for a few days, and we have not had time to examine it. It is strange that this Report should have been presented to the Secretary for Scotland on the 2nd of May last, and that it has only been laid on the Table of the House within the last week. We have had a valuable Minute recently issued by the Board of Trade. That Minute goes fully into the question of loans for harbours; it refers to the powers of the Scotch Fishery Board, and it does not deal with the question of harbours, because it says that this matter is to be handed over to be dealt with by the Scotch Fishery Board. Now, the Government having considered the questions in this Minute, I think the Committee are entitled to hear from them a distinct pledge as to whether they are prepared to legislate on the lines suggested by this Report of the Scotch Fishery Board, because it is acknowledged in the Minute that some preference must be given in the case of harbours which are in the hands of poor fishermen. I do not think that that is enough. I think we ought to have some legislation which will put it in the power of these fishermen to go to the Public Works Commissioners and borrow money. We know that the owners of small fishing harbours have no means of getting money except, as is pointed out in this Report, through their industry; but that where facilities have been given they have got money together with wonderful quickness. All we want is to have some body or corporation which will give to the fishermen some *locus standi*, and enable them to borrow money on the security of the rates. I hope to hear from the right hon. and learned Lord Advocate or from some other Member of the Government—perhaps the hon. Gentleman the Secretary to the Board of Trade (Baron Henry De Worms)—before this Vote is taken, that there is a serious intention on the part of the Government to take this matter in hand.

Motion made, and Question proposed,

"That Item A, Salaries, &c., be reduced by £300, in respect of the Salary of the Chairman of the Board."—(*Mr. Anderson.*)

MR. R. T. REID (Dumfries, &c.): I have only one question to ask, and that without making any comment on the Vote. Can the right hon. and learned Lord Advocate hold out any hope that the Government will be able to bring in next Session a general fishing law, which will deal with the many questions especially relating to the Solway?

MR. BUCHANAN (Edinburgh, W.): I did not stay long enough at Dover House to hear the whole of the statement of the noble Marquess the Secretary for Scotland (the Marquess of Lothian); but if I am right in thinking that it is proposed to put the scientific department in future under some other conditions, I need not say another word on that subject. Technically, Professor Ewart is the only scientific member of the Board, and the £2,000 a-year voted by this House is entirely in his hands, to be disposed of in any way he pleases. I do not think the Committee is aware that there is nothing in the Fishery Act which would allow of the disposal of the money and funds of the Board in this way. As far as I can understand, the only words in the Fishery Act which could in any way be used to justify this expenditure are those which provide that the Board shall take such measures for the improvement of fisheries as the funds admit. It is under these vague and general terms that we continue this payment, without any attempt being made on the part of the Government to distinguish the purposes for which this money is to be employed. Very admirable work has, no doubt, been done; but I am bound to call attention to the fact that you have here a large grant amounting to no less than £2,000 a-year for scientific purposes which is not administered by a scientific Board, but, practically, as I have said, by one individual, who may, to all intents and purposes, disburse it in any way he pleases—that is to say, in any way which he thinks will be for the benefit of the fisheries. I wish distinctly to enter a *caveat* against the argument that this is a grant of £2,000 for scientific purposes in Scotland. I entirely deny that it is for that purpose. I think it would be well if the Government, when the appointments to the new Board are made, would appoint a Board for a shorter term than five years.

MR. R. W. DUFF (Banffshire): As I was Chairman of the Committee which recommended the establishment of this Board I wish to say a few words on the Vote. One of the recommendations was that a certain sum of money should be given for scientific investigation in connection with the Scotch fisheries. During the investigations of that Committee it came to our knowledge that the United States of America and Norway were making large strides in this direction. I believe that the United States are paying £50,000 a-year for the purpose, and that a considerable sum is also paid in Norway. I am glad to hear from the hon. Member for Forfarshire (Mr. Barclay) that he approves of this expenditure for scientific purposes. I must remind my hon. and learned Friend the Member for West Edinburgh (Mr. Buchanan) that this Board was the outcome of the Committee, and that the Committee distinctly recommended that the money should be expended on scientific investigation. Although I do not follow the hon. and learned Member, I think they have done some useful work. No doubt the Board has made mistakes, and that as much good as was expected has not been got out of it; but still, as I have said, considering the time it has been in existence, it has done useful work. We know that one question which has occupied the Board is that of trawling, and they are now investigating the results of trawling upon inshore fisheries. Then this Report contains valuable information with regard to mussels and oysters. On the whole, I think that, considering the amount of money expended, we shall get from it a very good return. With regard to the constitution of the Board, it at present consists of nine members; three of these are Sheriffs, appointed, as I understand, *ex officio*. I am inclined to think that the legal element is somewhat over represented on the Fishery Board; and I think that two Sheriffs would be quite enough. I agree with what has fallen from my hon. and learned Friend the Member for Elgin (Mr. Asher) with regard to the appointment of practical men on the Board. I quite see that there are difficulties in the way, and I remember talking this matter over with Lord Dalhousie when he was Secretary for Scotland, and he had the idea that we might have local Fishery Boards, who should by some process of selection send a number of representatives to the Board. I think it would be very difficult to get a direct representation of fishermen on the Board; but I think we may get over the difficulty by having District Boards to nominate representatives, and that I think would be more effectual for the purposes intended. Allusion has been made to harbour loans.

THE CHAIRMAN: I must point out to the hon. Gentleman that there is an Amendment before the Committee to reduce the salary of the Chairman of the Board.

MR. R. W. DUFF: Then I will refer to that particular part of the Report another time, and I, of course, bow to your ruling. With regard to the salary paid to the Chairman, I do not think it is too high, having regard to the salaries of Commissioners in Ireland and others who hold analogous appointments, and I do not think you would get anyone to do the duties for a smaller sum.

MR. HALDANE (Haddington): I must say that, notwithstanding any reform in the constitution of the Board, I shall be glad to see another £2,000 added to the Vote for scientific investigation. No doubt it is true that the whole constitution of the Board requires overhauling, and it is a very satisfactory thing that the Government say that this question is under their consideration. I agree with the hon. Member for Banffshire (Mr. R. W. Duff) that the official legal element is too largely represented, and that it would be better to have a different arrangement. No doubt if practical fishermen could not be got, at all events curers, perhaps, might be got to bring valuable experience to the deliberations of the Board. We are placed in a state of things in which everyone acknowledges that it is impossible to take a single step in advance. Now £2,000 is, in my opinion, not sufficient. I have made inquiries, and I find that the investigations are prosecuted inefficiently for want of money, and I hope the Government will see their way, at all events, of having the constitution of the Board overhauled. In the meanwhile, with regard to the reduction of the Chairman's salary, I do not see my way to support the Motion of the hon. and learned Member for Elgin and Nairn (Mr. Anderson). No doubt when Sir James Boyd was appointed he was not an expert in fishery matters; but he has now gained experience, and I do not think that £800 is too large a salary.

MR. ESSLEMONT (Aberdeen, E.): My hon. and learned Friend the Member for Haddington (Mr. Haldane) says that £800 a-year is not too large a salary for the Chairman of the Fishery Board. That is quite true if he devotes his whole time to the work he has before him; but it is my opinion that the money would be better distributed by giving £500 a-year to the Chairman of the Board, who, I believe, does not devote a very great deal of his time to this particular department, and £300 to get practical men from different parts of Scotland whose attendance on the Board would necessarily entail upon them a considerable expense. My hon. and learned Friend (Mr. Haldane) has spoken of the scientific portion of the Vote. I am aware that there has been a misunderstanding between the scientific members of the Board and other members, and my hon. and learned Friend the Member for West Edinburgh (Mr. Buchanan) is quite right in saying that there should be more definite instructions laid down, so that the expenditure of the money should be under the control, not of scientific professional men, but that of the whole Board. I am aware that Sir James Boyd was appointed with very little practical knowledge of the fishing industry; but since he has received that appointment he has given five years of careful consideration to the subject, and he must therefore have acquired a great deal of information which will be useful. Although I shall vote for the Amendment of my hon. and learned Friend (Mr. Anderson) who proposes to reduce this Vote, I should like to give it as my opinion that, under all circumstances, the present Chairman is not the very best man to occupy that position. I am sure that the fishermen in Scotland will look with very great interest to the re-appointment of the Board. There are still five appointments to make, and if out of these there are no practical representatives of the fishermen it will cause great disappointment. I can assure the Committee that practical fishermen do not at present look upon the Board with much satisfaction; but if you have other men who are their own representatives to give their side of the question, I think they may come to believe that scientific investigations are much more valuable than they now suppose them to be. I believe that a larger sum would be well expended if we can satisfy ourselves that it is expended properly.

DR. R. MACDONALD (Ross and Cromarty): There is a subject connected with this Board which I brought before the House not long ago, and to which I desire again to call attention; it is the inefficiency of this Board in doing its work. The Committee will remember that there was a grant of £2,000 made to the Fishery Board for the purposes of supplying boats and gear to poor fishermen in parts where the Acts of Parliament were to apply. I find there have been 300 applications made to the Fishery Board for boats and nets by crofters, and that not one of these has been granted. The Board has not distributed the money at its disposal; but it is a fact that they have been engaged for 12 months in drawing up rules and regulations as to distribution, among which it is provided that the crofters must pay down 25 per cent of the value before they can get anything at all. Some of my hon. Friends who represent these constituencies, and I, myself, have had some informal communications with the right hon. and learned Lord Advocate, and we are anxious to know whether any change is going to be made in the terms on which loans are obtainable. We suggested terms which we thought would be reasonable, and we want to know whether those terms will be accepted, or whether this House, having granted money for these purposes, the Board is, like a dog in a manger, to keep and do nothing with it. The fishermen, as I have stated, have waited in the expectation of getting the boats, and, now the fishing season is over, they have no means of getting them. There is nothing to justify the driving of such hard terms with these fishermen. It has been said in favour of the system that it is necessary to be very careful, because what has happened in Ireland will happen in Scotland—that is to say, if the fishermen could not repay the loans, and the Government were to proceed and sell the boats, the sales would be Boycotted, and they would get no money back. But I reply that Boycotting has not yet begun in Scotland, and that the argument has no weight. I hope we shall have an assurance from the Government that a change will be made in the terms, and that the fishermen will be able to get the money without difficulty, and in accordance with the intention of the Legislature.

MR. ANSTRUTHER (St. Andrew's, &c.): As far as my experience goes, the fishermen are not satisfied with the representation they have upon the Fishery Board; and although I cannot support an Amendment to imply any censure on the past action of the Board or Chairman, who I think has discharged his duties in a satisfactory way, at the same time I take it that the Amendment of my hon. and learned Friend (Mr. Anderson) is intended to assert the principle that we desire to be carried out—namely, that of having some popular representation on the Board. I shall, therefore, be open to support the Amendment, because I am convinced that the fishermen are desirous of having on the Board gentlemen who are in their confidence, and whose views are in accordance with their own, and who are capable of giving effect to those views.

MR. MACDONALD CAMERON (Wick, &c.): A great many representations have been made to me with regard to the constitution of the Fishery Board. The feeling is that the Chairman of the Board, no matter how excellent a gentleman he may be, has not the knowledge of fishing which entitles him to his position. Remarks have been made with regard to the experiments that have been and are being conducted on the coast. I have had some experience in scientific investigation, and I do not think that the view of the subject taken by my hon. and learned Friend, that these experiments are not likely to produce as much good as is expected from them, is a correct one. The agricultural interest of this country has received very considerable assistance from scientific investigation, and has developed a good deal in consequence. The fishing industry is the only one which has not had the aid of science, and I am looking for a great benefit to be derived by the fishermen on our coasts from the experiments which are being conducted. Although we may not be able to reduce this Vote, I hope, in the end, we shall produce such an impression on the right hon. and learned Lord Advocate that he will take care, when these appointments are made in November next, that a more capable and practical man will be put on the Board as Chairman, and that we shall have the benefit from the man in that position which we have a right to expect.

MR. J. H. A. MACDONALD: I sincerely hope my hon. and learned Friend (Mr. Anderson) will not press this Amendment on the Committee, for the simple reason that the whole effect of it must be to cast a slur upon the present Chairman of the Fishery Board. I quite understand the object which my hon. and learned Friend has in view, and that he thinks £500 a-year would be quite sufficient salary for the Chairman if the duties which he has to perform are insufficient to occupy the whole of his time. That is a fair way of stating the case; but I understand that there is a further object in view—namely, to set free a sum of money for the purpose of enabling practical fishermen to occupy seats on the Board without loss to themselves. That is a most proper object, and one which might possibly turn out to be the best and most efficient way of improving the Board itself. But that cannot be effected by the Amendment now before the Committee, the only effect of which would be to prevent the money being handed to the Chairman, while it would not enable the Government to devote it to any other purpose whatever. For that reason I hope my hon. and learned Friend will not press the question to a Division. With regard to the future, as I have stated already, these matters are occupying the attention of the noble Marquess the Secretary for Scotland (the Marquess of Lothian) and others; but I submit to my hon. and learned Friend the Member for Dumfries (Mr. R. T. Reid) that it is impossible that we should be able to make up our minds as to what will be done next Session. If I were to pledge myself on behalf of the Secretary for Scotland to what has been suggested this evening, I should be pledging myself to a large number of suggestions of a contradictory kind.

The advantage to be gained from a discussion of this character is the bringing forward the views of hon. Gentlemen and their constituents, in order that from their views and those of their opponents some likely and sensible scheme may be worked out; but it is quite impossible for Members of the Government to pledge themselves, while giving satisfaction to the country, to endeavour to please everybody. I therefore hope my hon. and learned Friend will be satisfied with what I have said, and with the assurance that none of the matters which have been brought forward to-night will be lost sight of; and, further, that the noble Marquess the Secretary for Scotland has very much exercised his mind already upon this matter.

MR. MARJORIBANKS: I, also, hope my hon. and learned Friend will not press this Motion to a Division. Whatever may be the defects of the Board, I know that a great deal of work is got through, and I do not think the Committee ought to cast a slur on the Chairman of the Board by reducing the Vote for his salary. I cannot agree with the right hon. and learned Gentleman opposite (Mr. J. H. A. Macdonald) that we could afford to give him the Recess in this matter.

MR. J. H. A. MACDONALD: Give us until October; it will be only a short time.

MR. MARJORIBANKS: I should not like to trust to the amount of consideration that the right hon. and learned Gentleman will be likely to give to the matter during the month of September. He will be more likely to be giving consideration to other matters during that month.

MR. J. H. A. MACDONALD: We shall be here.

MR. MARJORIBANKS: Though we do not ask the right hon. and learned Gentleman to give us the names of persons, yet I should like to press him to say whether the Scotch Office have not already formed some sort of idea as to the conditions which are going to be applied to the Fishery Board which is to be re-appointed in a very few weeks now. I do not think we have a right to be met in this House upon this point by a demand for time when only a few weeks intervene between now and the date of the re-appointment of the Fishery Board. I think we ought to have given to us some idea of the policy to be pursued as to the re-appointment of that Board. It is not sufficient to tell us that the suggestions made in this Committee will receive consideration. The time has come for something more than that. There is a system adopted with regard to Boards of Conservators in England in which the fishermen can elect members to represent them on those Boards. That, it seems to me, might possibly be a very good system to be adopted in Scotland. I do not say that the elected members should take their places at every meeting of the Board, which would be three or four times a week; but when certain questions of great importance to fishermen are being discussed, or when proposals for new legislation are being considered, that is the time that the elected representatives of the fishermen should take their places upon the Board, and should give the official members of it the benefit of their knowledge and experience in regard to the requirements of the fishermen. These men are much more likely to know what would be beneficial to them than any other gentlemen, however willing and desirous they might be to advance the interests of the fishing industry and to do good to the fishermen. I do press for a more definite answer from the Government.

DR. CLARK (Caithness): I think the present condition of affairs very unsatisfactory. I see the right hon. Gentleman who used to be Secretary for Scotland—now the Chief Secretary for Ireland—six months ago was considering and investigating this matter. His Successor has been considering it; and the result of this joint consideration of these two right hon. Gentlemen is that we are now told that there is to be still further consideration, and that they want until October. The right hon. and learned Gentleman the Lord Advocate (Mr. J. H. A. Macdonald) ought to be aware that in September, under the Act of Parliament, the present six Members of the Scotch Fishery Board will cease to be members, and that he will require to replace them. He will find that the first meeting of the new Board will be held early in October. If the right hon. and learned Gentleman is anxious to discuss the matter, and we can get some information from him, I shall be glad to sit down and give place to him. If he does not wish to get up and give us some information, I would impress upon him that next month these Members will require to be appointed, and I wish to say that before we grant this money we require to know something with regard to the constitution of the new Board. Every hon. Member who represents a fishing constituency is entirely dissatisfied with the old Board, and I will tell you why we are dissatisfied with it. We are dissatisfied with it because we think that its powers and functions have been used in a very unsatisfactory fashion. I will point out how the Board have acted. There was a question put to my hon. Friend the Member for the Ross Division of Herefordshire (Mr. Biddulph) with regard to the measures to be taken to prevent destitution in the Islands of Scotland. This House was going to lend money to the crofters to enable them to buy boats and nets, these poor people being practically paupers, or in the first stage of pauperism. This Fishery Board, by the Act of Parliament, had to lay the conditions under which the money was to be lent to the crofters. They require, of course, the sanction of the Secretary of State. The matter was referred to him, and he signed the requisition, and then the conditions were laid down by the Fishery Board. Well, unless those conditions are changed and modified you will never lend a single penny to the crofters for the purchase of boats and nets, because the people from whom you are asking £80 or £100 would scarcely be able to raise 80 or 100 pence. The banks have been in the custom of lending money to these people hitherto before they got ruined by the state of the herring market on the Continent. The Treasury have been lending money on worse conditions than private firms, and they have made these terms because they will not give the fishermen the fishing rights, for the reason that hon. Gentlemen wanted them for sporting and other purposes. The Government have not given a single farthing; they have laid down impossible conditions, and it is this Fishery Board I maintain that is responsible for it, together with the right hon. Gentleman the Member for the Eastern Division of Manchester (Mr. A. J. Balfour). I should like the right hon. Gentleman to reply to the question of the hon. Member for Ross before we vote this money. I trust he will tell us whether he still intends in another year to prevent the intention of Parliament being carried out, and to prevent these fishermen from getting their boats and nets on such conditions as have hitherto enabled the fisheries of Scotland to be developed. These men have power to grant loans for the construction of small harbours. We lose numbers of fishermen along our coast every year because we have not sufficient harbours of refuge. We have numbers of widows and orphans among our fishing community because the Fishery Board has not carried out the functions which Parliament conferred upon them. They had a surplus of £20,000 from the herring brand, and we have compelled them to give something out of this amount for harbours. But what have they done? They have not given contributions to several small harbours as the fishermen have desired; but they have given £10,000 to one harbour. It was not the intention of Parliament that this money should be given for the construction of large harbours; but the idea was to make a number of small ones all along the coast. A surplus of £5,000 or £6,000 was obtained last year from the herring brand. Let the Committee remember what that is—it is, in reality, a tax upon the fishermen. If you were to use that to develop and promote the fishing industry you would be using it properly, but they have not done so; and now, when towards the end of their career they have to disgorge something like £20,000, they are spending it in the way I describe. With regard to the mussel beds the Fishery Board, instead of looking after them in the interests of the fishermen, are doing their best to get the Board of Trade to grant the foreshores to private individuals. We desire these foreshores to be developed by the Fishery Board in the interests of the Scotch fishermen, so that the latter may not be put to the inconvenience and expense of going to Ireland for bait, where their advent is a source of much disquietude among the Irish fishermen. As a matter of fact, everything the Scotch Fishery Board has done it has done badly, and I certainly shall go into the Lobby if a Division is taken as a protest against the way in which they have done their work. The Chairman of the Board is a very good business man no doubt. As Lord Pro-vost of Edinburgh, and as Director of various Companies, he, no doubt, discharges his functions admirably; but, in addition to this, he is quite prepared to be one of the members of this Fishery Board, and to do the business of a member of that Board. I hold, however, that the sum which is paid this gentleman is a totally unnecessary expenditure, and that you do not want a paid Chairman at all. What you want is a paid Secretary. The Secretary is at present very much underpaid; as a matter of fact, he is not paid as much as his own clerk. You give his Inspector £200 more than you give himself. Why is that? I have nothing to say against the Secretary. The only thing I have to say about him is that he is a gallant gentleman who deserves well of his country, and that it is time the House should give him a pension and appoint a man 20 or 30 years younger to do the work and act as Secretary to the Fishery Board, and to do some of the work now performed by the Chairman. The position of affairs is simply this—the old Board was very unsatisfactory because of its composition. Its members were, generally speaking, ignorant of their work, and Parliament has since conferred upon them special executive powers which they have put in force. Under these circumstances, we have the right to ask the Government whether they are going to adopt the principle of having men on the Board who will represent two things? The first thing you want them to represent is the district. You have hundreds of miles of sea coast, some places English-speaking and some places Gaelic-speaking. We desire that both descriptions of population shall be represented on the Board. And, secondly, we want practical men, fishermen and fish curers, to be put on the Board—men who know something about the wants of the districts, and can advise the Board as to the carrying out of their general duties. Notwithstanding that the right hon. Gentleman opposite, who was formerly Secretary for Scotland, and the noble Lord who now occupies that position have investigated this subject, still these are the facts which are given to us, and probably when we meet again next year we shall have the same points to discuss. We may be able to pass an Act next year. I trust we shall, as I think we shall never be able to settle this matter without legislation. I think we have a right to ask three questions—in the first place, why do the Fishery Board lay down these absurd conditions, and prevent loans being granted to the crofters? Secondly, will the Government take steps to see that the districts are properly represented on the Board? And, thirdly, will they also see that experienced men, either fishermen or fish curers, are appointed on the Board on its reconstruction?

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I think that possibly the hon. Gentleman is correct in saying that legislation may be required before this question is finally disposed of; but whatever plan is ultimately adopted I can safely prophesy that no kind of plan, however good and ingenious, will prevent the kind of criticism which the hon. Gentleman passes on the action of the Fishery Board. What is the Fishery Board to do? They have to administer a certain amount of money, practically public money, for the benefit of fishing communities, differing, some of them, in the language they speak, in the character of their industry, and in the localities in which they live. How can you possibly obtain from any Board, constitute it as you will, a method of carrying on its work which will give equal satisfaction to all the persons interested? The hon. Gentleman has thrown out a suggestion with regard to representation. I am inclined to think we ought to look in the direction of representation for the amelioration of the Fishery Board; but how prodigious are the difficulties in the way of any scheme of that kind. If we go by the population of the districts represented, is it not clear that the localities where the population is greatest will monopolize the benefits, and that the poorer districts in which the hon. Member is so deeply interested will suffer in consequence? The hon. Gentleman is the spokesman for the poorer towns and fishing villages in the North of Scotland, or of some of them, and I would ask him to reflect upon this—that I am by no means sure that those people he represents are those who would gain most by the form of representation he proposes. The representation would have to be impartially distributed amongst the parties concerned, and power would naturally flow in the direction where the voting power was greatest. Then the hon. Gentleman says we ought to have men on the Board practically experienced in the fishing industry of Scotland. Again, I agree that we ought to look in that direction for remedying the condition of the Board; but we must not lose sight of the difficulties that would meet us in that direction. If we represent the West of Scotland what would the East say, and if we were to represent the North what would the South say? If you were to represent all the districts so as to prevent jealousy your Board would be of such a size that unless you broke it up it would not be able to carry on its work. These are some of the difficulties that meet you when you try to deal with this question. The hon. Gentleman spoke as if the Government took up a *non possumus* attitude on this question; but that is not so. The Government are not adhering to any one particular plan against the plans which hon. Members have proposed. No plan has been agreed upon by the Scotch Representatives. We are all agreed that something should be done; but seemingly no one can make up his mind as to what shall be substituted for that which now exists. We can all deal in generalities; we can all say that we wish for a representation of the districts; but when you sit down to devise a plan that will satisfy every interest concerned, I believe all who hear me will agree with me that the difficulties are so great as to be practically insuperable, and to preclude any idea of coming down to this House and putting before it such a worked-out scheme. I hope the Committee will feel that the Government, in saying that they desire to deal with this question in the direction which has been indicated by hon. Members opposite, desire to carry out the wishes of the Committee; but to give a more definite statement we consider would be little short of madness. With regard to the question of loans to fishermen, the system hon. Members ask for would not be assisted by giving further representations on the Fishery Board, because the question is really a Treasury one. The Fishery Board are anxious to keep as much money as they can to give away to the fishermen. The difficulty does not lie there. The difficulty, as I say, is altogether a Treasury difficulty. You cannot ask the taxpayers of this country to give money to a special industry, however deserving the industry may be, unless adequate security is offered. If the security is in excess of what is demanded, then the subject of granting the loan will, no doubt, be favourably considered. I am sure the Treasury would agree to that; but it is impossible that you should expect that the Treasury should lend money on bad security.

Mr. ANDERSON: I was appealed to by the Lord Advocate and the right hon. Member for Berwickshire not to press this matter to a Division; and I have been told that if I do press it to a Division it will be casting a slur upon Sir Thomas Boyd, the Chairman of the Board. Now, I do protest that I have no intention in the world of casting any slur upon the Chairman of the Board; and I protest most emphatically against being told, if a Member gets up and emphasizes the position he has taken on the matter under discussion, that he cannot do it without casting a slur upon the Chairman of the Fishery Board. This is a monstrous position to assume. It is sufficient for me to say that every hon. Gentleman who votes with me in this particular Division casts no slur upon the Chairman of the Board. I do not know the gentleman; but, so far as I have been able to ascertain, I believe him to be a most estimable person in every way. But that he is the proper person to be appointed Chairman of this Board at a salary of £800 a-year I consider very questionable. I think that when you are establishing a Fishery Board and a Chairman comes upon it, who may be a very good Director of a Company, but who has no practical knowledge of fishing matters, there is every reason for a change of system. The Chairman may be worth £800 a-year or a great deal more for some purposes; but that is not the question here. He has no practical knowledge of the fishery industry. This gentleman carried on, and I believe still carries on, a very lucrative business in Edinburgh. [An hon. Member: No; he has retired.] But he is a Director of several Companies, so that the Chairmanship of this Board is not his only source of revenue. It is impossible to suppose, under the circumstances, that very much of his time vost of Edinburgh, and as Director of various Companies, he, no doubt, discharges his functions admirably; but, in addition to this, he is quite prepared to be one of the members of this Fishery Board, and to do the business of a member of that Board. I hold, however, that the sum which is paid this gentleman is a totally unnecessary expenditure, and that you do not want a paid Chairman at all. What you want is a paid Secretary. The Secretary is at present very much underpaid; as a matter of fact, he is not paid as much as his own clerk. You give his Inspector £200 more than you give himself. Why is that? I have nothing to say against the Secretary. The only thing I have to say about him is that he is a gallant gentleman who deserves well of his country, and that it is time the House should give him a pension and appoint a man 20 or 30 years younger to do the work and act as Secretary to the Fishery Board, and to do some of the work now performed by the Chairman. The position of affairs is simply this—the old Board was very unsatisfactory because of its composition. Its members were, generally speaking, ignorant of their work, and Parliament has since conferred upon them special executive powers which they have put in force. Under these circumstances, we have the right to ask the Government whether they are going to adopt the principle of having men on the Board who will represent two things? The first thing you want them to represent is the district. You have hundreds of miles of sea coast, some places English-speaking and some places Gaelic-speaking. We desire that both descriptions of population shall be represented on the Board. And, secondly, we want practical men, fishermen and fish curers, to be put on the Board—men who know something about the wants of the districts, and can advise the Board as to the carrying out of their general duties. Notwithstanding that the right hon. Gentleman opposite, who was formerly Secretary for Scotland, and the noble Lord who now occupies that position have investigated this subject, still these are the facts which are given to us, and probably when we meet again next year we shall have the same points to discuss. We may be able to pass an Act next year. I trust we shall, as I think we shall never be able to settle this matter without legislation. I think we have a right to ask three questions—in the first place, why do the Fishery Board lay down these absurd conditions, and prevent loans being granted to the crofters? Secondly, will the Government take steps to see that the districts are properly represented on the Board? And, thirdly, will they also see that experienced men, either fishermen or fish curers, are appointed on the Board on its reconstruction?

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Mr. MACDONALD CAMERON (Wick, &c.): There is one thing which we Members who represent fishing constituencies are agreed on, and that is that we shall reflect the opinions of our constituents on this subject. We are distinctly agreed upon one point, and that is that our constituents on the reconstruction of the Fishery Board wish to have practical men put upon it. If the right hon. and learned Gentleman the Lord Advocate will promise me or the Committee that when the appointments are to be made next month he will put practical men on the Fishery Board, I, for one, shall be perfectly satisfied—I make that statement boldly and freely to the Committee. But if the right hon. and learned Gentleman only wants time to consider what the construction of the next Board shall be in order that he may re-appoint it for five years, and so shelve the difficulty, then I should be prepared to act with the hon. and learned Gentleman who has just sat down. I say I shall be prepared to act with the hon. and learned Gentleman, and so I should were it not that I have paired for the rest of the Session. The Lord Advocate must not think that we Scotch Members are not agreed upon this point. We are agreed on this—that our constituents say to us distinctly that the Board is unsatisfactory, and that it must be so reconstituted as to include upon it practical fishermen.

Mr. J. H. A. MACDONALD: We are agreed that some change should be made; but the only question is how that change is to be effected.

Mr. MACDONALD CAMERON: It was the Chief Secretary to the Lord Lieutenant who said that we Scotch Members were not agreed. The right hon. and learned Gentleman (Mr. J. H. A. Macdonald) is perfectly accurate in his statement, and I withdraw whatever observation I made imputing to him the declaration that we are not agreed. I should be sorry to accuse the right hon. and learned Gentleman of anything, because we all know his genial manner in the House, and we must all appreciate the effort he always makes to be agreeable. It was the Chief Secretary who said that there was a diversity of opinion amongst the Scotch Members, and that if the Government prepared a scheme it would please nobody. As a matter of fact, that is not the case—we are agreed upon this matter. We reflect the feeling of the people we represent, and we desire to see practical men put upon this Fishery Board.

Mr. A. SUTHERLAND (Sutherland): With regard to what fell from the right hon. Gentleman the Chief Secretary, he seemed to raise considerable objection to the scheme which has been foreshadowed on these Benches being carried out. I think all these objections are illusory. I beg to ask the Committee how could the Scotch Fishery Board possibly be more unsatisfactory than it is at present? The Government have given no answer to the question put by my hon. Friend the Member for Caithness (Dr. Clark) as to the loans which the Fishery Board is empowered by Act of Parliament to grant to fishermen. My hon. Friend has pointed out that although the Act has been passed for a year, and although power has been given to grant those loans, not one penny has been advanced, nor has the Government yet told us whether the conditions for the granting of those loans will be modified. It has been proved that the conditions at present imposed are prohibitory; and what we wish to know is whether those conditions are to be removed? It is well known that if the crofter fishermen were in a position to raise 25 per cent of the amount they require, it would not be necessary for them to come to Parliament at all, as they could then get the money from the local banks. The conditions which are at present imposed, I think, ought to be removed; and the fishermen should be allowed to borrow money on conditions that they could accept. I beg to call attention to an answer given by the right hon. Gentleman the First Lord of the Treasury to the hon. and learned Member for Elgin and Nairn (Mr. Anderson) on March 31. The hon. and learned Member asked—

> "Whether the Government intend to reconstitute the Scotch Fishery Board by placing thereon some persons practically acquainted with the fishing industry; or whether, on the termination of the tenure of office of the existing Board, it is intended to re-appoint the existing members of the Board; and when the Annual Report of the Scotch Fishery Board will be laid upon the Table of the House? The hon. and learned Member also asked, whether any changes were contemplated with regard to the scientific advisers of the Board?"

The First Lord of the Treasury (Mr. W. H. Smith), in reply, said—

> "I cannot answer the last Question without Notice. The question of the reconstitution of the Fishery Board is receiving the attention of the Government, and will be duly considered prior to October next, when the term of office of six members of the Board expires. It is hoped that the Annual Report of the Board will be laid upon the Table of the House about the end of May. A preparation of the Report, which will this year contain, besides the usual elaborate statistics of various fisheries, details of the experiments made in the waters closed against beam trawling, necessarily involves the expenditure of much time and labour."—(3 *Hansard*, [313] 84.)

Now, I wish the Committee to bear this in mind—that on March 31 the First Lord of the Treasury declared that the question of the reconstitution of the Fishery Board was receiving the attention of the Government. Surely, then, they ought to be now in a position to tell us what they actually mean to do. They have had ample time to come to a conclusion; and I trust that before this Division is taken, or if they want to avoid a Division, they will state exactly what has been done in the matter, and answer the question put to them by the right hon. Member for Berwickshire.

MR. ESSLEMONT (Aberdeen, E.): I understand perfectly the answer of the Government. I understood that the Lord Advocate says that practical men will be placed on the Board.

MR. J. H. A. MACDONALD: I did not say that. I said the Government would consider the matter, and that I thought practical men should be placed upon the Board.

MR. ESSLEMONT: I think from what the Government have said we are warranted in going that length.

MR. J. H. A. MACDONALD: We did not go that length.

MR. ESSLEMONT: Really this is not treating us fairly. We understood the Government to go that length.

MR. J. H. A. MACDONALD: We did not say that.

MR. ESSLEMONT: Then do you intend to place practical men upon the Board?

MR. J. H. A. MACDONALD: Yes.

MR. ESSLEMONT: Then it is so intended. Let me remind the Lord Advocate that when I put a Question to him the other day upon this important subject the right hon. and learned Gentleman gave me a chaffing answer.

MR. J. H. A. MACDONALD: I remember the occasion referred to. I answered the hon. Member's first Question; but as there was considerable noise in the House at the time I only heard a part of the second Question; and I did give the hon. Member a chaffing answer, but it was in perfect good humour.

MR. ESSLEMONT: I do not dispute the good humour; but he certainly gave me a chaffing answer, and that was not what I had expected on such a subject. What I would say is this—that I think we ought to be satisfied with the answer we have now received. I would, however, resent the action of the Chief Secretary, who, I understand, is speaking for the Secretary for Scotland, in telling the Scotch Members that they have not made up their minds. The Report we have received on the subject of the Scotch fishers is of immense importance. We did not have it in our hands until the other day, and Her Majesty's Government have not allowed us an opportunity of discussing it, and of coming to a conclusion upon the matter. It must go out to the public, therefore, that if the Scotch Members have not made up their minds on the subject it is because Her Majesty's Government have not given them the opportunity of discussing the matter. I think now that we have received an explicit answer from the Government that we ought to remain satisfied.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): There are two courses open to us. The first is to make the appointment of the Fishery Board for one year——

DR. CLARK: You must appoint it for five years under the Act.

MR. W. H. SMITH: I am stating the desire of the Government to meet the wishes of those who represent the people of Scotland, especially those who represent the fishing industry of that country. The aim of the Government is to constitute a Board in a manner which will entirely meet the object which hon. Members have in view. It must not be supposed that the Government desire either to continue the gentlemen on the Board who are inadequate or unfitted to perform the duties, or have any secret purpose to defeat the object for which the Board ought to exist—that is to say, to advance the interests of the fishing industry and of the fishermen. Therefore, the Government desire, in seeking to gather the views of hon. Members from Scotland, particularly those acquainted with the fishing industry, to take the steps which will best enable them to constitute a Board in the way which will most fitly represent the men whose interests are to be defended. We are asked to appoint practical men. It may not be possible to get practical men.

DR. CLARK: Yes; it is.

THE CHAIRMAN: Order, order!

MR. W. H. SMITH: Well, if it be possible, we will do so; only we do not wish to enter into any engagement in regard to which it may be said later on that we have been guilty of bad faith, or of "taking in" hon. Members opposite by holding out expectations that we could not fulfil. But I say the Government desire to constitute a Board without any reservation whatever, so as to make it a practically useful Board, and if we can put on it men acquainted with the fishing industry we shall do so. Hon. Gentlemen, however, are aware that a practical fisherman is not a person who, as a general rule, is able to give much time to matters of this kind. Still, if we find practical fishermen, or men who have sufficient acquaintance with the matters involved, we will endeavour to obtain the advantage of their knowledge and experience on the composition of the Board for the benefit of fishermen. My only desire is to dispel from the minds of hon. Gentlemen any idea that there is any motive on the part of Her Majesty's Government to prevent any practical individual being put upon the Board, or to get practical interests neglected. We will do our best to get practical men on the Board. We want the Board to be a practical one, and will do all we can to make it so. Then, an hon. Member made a remark upon the question of boats. What we have to consider in connection with this matter is, whether there is sufficient security for the money asked; short of that there is no difficulty thrown in the way at all. Hon. Gentlemen, however, must be aware that fishing-boats and gear are things that deteriorate in value every year—that commence deteriorating from the very moment they are put to use. Therefore, we are bound to protect the Exchequer; in doing that, however, we do not wish to impose any conditions which are not absolutely necessary. I can assure hon. Members that the whole question is looked at from that point of view, and that only such conditions will be imposed as are necessary to secure the Revenue from the loss of the money advanced.

MR. R. W. DUFF (Banffshire): I should like to ask the right hon. Gentleman to give the Committee an assurance that there will be a representation of fishermen on the Board. The right hon. Gentleman has not said whether the representation, whatever it may be, will be direct or indirect, although he promises the House that there shall be a representation of some kind.

MR. W. H. SMITH: The representation is something that involves a formal system of election, and all that kind of thing. Now, I do not enter into any engagement of that sort, as it would involve an Act of Parliament, and arrangements of a difficult character. But the Government will endeavour to secure that there will be representation of the experience and knowledge of practical fishermen.

MR. R. W. DUFF: That is what I desired to elicit from the Government, whether there will be practical representation. I think, after the assurance we have had from the First Lord of the Treasury, my hon. Friend will do well not to press his Amendment to a Division. I understood the right hon. Gentleman the First Lord of the Treasury to say that you might appoint this Board for only one year; I do not think that it is possible. The right hon. and learned Gentleman the Lord Advocate will forgive me if I am wrong; but I think the Act says that the Board must be appointed for five years. However, so far as I am concerned, I am quite content with the assurance we have received that practical fishermen will be represented on the Board.

MR. ANDERSON: I do not wish to differ from any hon. Gentleman on this side of the House, and certainly not with the hon. Member for Banffshire (Mr. R. W. Duff), who is thoroughly familiar with the subject we are now discussing; but I am certainly not satisfied, for my part, with the assurances we have received from the Government. It seems to me to be that they will "endeavour" to secure the practical representation of fishermen. That, to my mind, is a statement which may lead to this in the future—"We have endeavoured to do this thing, but have not been successful." I can quite understand a matter of superhuman difficulty; but then everybody knows that it is quite possible to get fishermen practically acquainted with the trade to act on the Board. I could mention half-a-dozen practical fishermen who would be able to serve on the Board; and I dare say any of my hon. Friends around me could do the same. I am not, therefore, satisfied with the statements of the right hon. Gentleman the First Lord of the Treasury; and I ask that we should have a distinct assurance that practical men will be put upon the Board.

MR. MACDONALD CAMERON: We do not wish to worry the Government for the sake of worrying them; but we want a distinct promise on this matter. Will the right hon. Gentleman the First Lord of the Treasury promise, or will the Lord Advocate promise, that when the time comes for the re-appointment or reconstitution of this Fishery Board next September, he will communicate with the Scotch Members representing fishing constituencies, and ask for their assistance or aid in the matter of finding practical men to act upon the Board?

MR. W. H. SMITH: I cannot go beyond the engagement that I have given. I have made a distinct engagement that I will endeavour to carry out, in a reasonable and proper way, the wishes of Scotch Members upon this matter. That engagement I shall perform. I think, however, that the hon. Member will see that the Government must be responsible for the appointments they make, and that, though they are always glad to receive suggestions from the Scotch Members, it will hardly be possible, in making these appointments, to ask the advice of those Members.

GENERAL SIR GEORGE BALFOUR (Kincardine): I have thorough confidence in the First Lord of the Treasury, for I know his good faith. May I ask the right hon. Gentleman, if the Government find it impossible to carry out their promise, whether they will make the appointment for a short time—say, for a couple of months?

MR. A. SUTHERLAND: Seeing that the conditions upon which the loans for boats are granted are practically prohibitory, will Her Majesty's Government take into consideration whether those conditions cannot be altered; and whether loans cannot be granted upon a smaller scale?

MR. W. H. SMITH: The hon. Member must see the necessity for there being that security which the Government deemed to be adequate. However, we will inquire into the question, and see in what way we can meet the necessities of the case. With regard to what has fallen from the hon. and gallant Gentleman the Member for Kincardine (Sir George Balfour), I must again say that we cannot go further than we have gone. I am sanguine that we shall be able to meet the wishes of hon. Gentlemen; but we are obliged to comply with the provisions of the Act of Parliament.

Dr. CLARK: The Government cannot comply with the suggestion of the hon. and gallant Gentleman, because they are bound to appoint the Commissioners for a full period. Next month you will be appointing the Board, and you will be reconsidering its powers; and I hope the Government will take this matter into consideration. I hope that practical men, and not sugar brokers and timber merchants, will be appointed upon the Board.

Mr. ANDERSON: I do not wish to take up the time of the Committee unnecessarily; but I wish to say I think this discussion has been effective in inducing the First Lord of the Treasury to take an interest in Scotch questions, and to give some attention to them. I should be acting wrongly if I did not accept his assurance that the Government intend to carry out the general wishes of the Scotch Members on this subject.

Mr. MARJORIBANKS: I would ask what is the future policy of the Scottish Office and the Fishery Board as to the question of trawling? I was a Member of the Trawling Commission, and if one thing was clear in the evidence we took to all who read the Report it was this—that without doubt, in all the inshore waters, a very great amount of damage was done to fishing by the practice of beam trawling; and we recommended that the Scotch Fishery Board should have power to limit trawling within the Scottish territorial waters. The Fishery Board have interpreted the power they received as though it was only conferred upon them for experimental purposes. That I entirely deny. They have, no doubt, power to close waters for experimental purposes where they like; but they also have power and consent to close the whole territorial waters around the Scotch Coast against trawling altogether. What I ask is that they should exercise that power, and that not in a half-hearted manner, but vigorously. There has recently been a very interesting Report on the subject of trawling on the French Coast. There have been great complaints with regard to this method of fishing, and the Minister of Marine in that country ordered a Report to be made. In this Report it is stated that in consequence of trawling the breeding grounds are ruined, and the waters are void of life—in fact, that the whole of the fishing coast of France is in a complete state of decadence. In another portion of the Report it is stated that the various methods of trawling pursued and the increase in the number of trawlers has led to most disastrous results; and again it is said, with regard to the methods of alleviating the damage done, that there must be either a temporary or permanent suspension of trawling. So long as the use of heavy and powerful trawlers is permitted, the condition of French fishing is not likely to improve. In fact, the gentleman who drew up the Report is of opinion that trawling should be suppressed altogether in France. I am bound to say, for my own part, that I hold the opinion very strenuously that the whole system of trawling requires revision. With regard to territorial waters, I am perfectly confident that the only course to take in them is to suppress trawling altogether, and I hope to hear from the right hon. and learned Gentleman the Lord Advocate that that is the view the Scottish Office take, and the view they will impress upon the Scottish Fishery Board.

Mr. ESSLEMONT: Before the right hon. and learned Gentleman replies to the question addressed to him, I should like to be allowed to thank the hon. Member who has just sat down for bringing this matter forward. I had some time ago a correspondence with the Scottish Fishery Board upon this very question. Aberdeen Bay was closed against trawling for a considerable part of last year, and I had universal testimony from fishermen in Kincardine and Aberdeen, and along the whole of the coast, that as a result the ordinary fishermen are returning to those waters, and are making an excellent living. The general statement made was, however, from the fishermen along that coast, that since the Bay had been again opened up to trawling the fishermen were placed in such circumstances that they look forward to serious destitution, if they are not altogether deprived of their living. The complaint is not only of the taking of the fish, but the fact is that the steam trawlers conduct their enterprise of trawling in such a way as to make it perfectly impossible to prosecute the white fishing. The trawlers come with the aid of steam, and encroach upon the forbidden waters; they run through the nets of the white fishermen, those men being perfectly helpless to follow them or to find out the damage they have done to their nets. Did I believe that there is good economic reason that steam or beam trawling should be conducted in order to increase the protection of those waters, I should be the last to forbid it; but I think we have no evidence whatever that that is the case. On the contrary, as my right hon. Friend the Member for Berwick has just stated, we have evidence of quite a different kind. Now, Sir, I complain very strongly of the Scotch Fishery Board in this matter. They were making an experiment there; no one was finding any fault with it, but in a moment everyone was surprised and disappointed to find that Aberdeen Bay was opened up on account of a representation from one gentleman in St. Andrew's, and another in Granton. The course the Fishery Board took was against the strongest representation of the Aberdeen fishermen; it was done, forsooth, on the representation of persons, two-thirds of whom, at least, were altogether unacquainted with the fishing in the Bay. The Committee will excuse me for feeling some irritation that a step of such vital importance should have been taken by the Fishery Board without consulting those who represent the people, and by a mere caprice of the Board. The living of hundreds of families has been spoiled by this course. The Board said this water was too little for their purpose, but they must have had more water if necessary. What we complain of is that the law should be uncertain on this matter, and that people should be deprived of their living. I should like to see if there is anything in this Report to justify the action taken by the Fishery Board in regard to the opening up of Aberdeen Bay. The right hon. Member for Berwick suggested as the only satisfactory protection in this matter that beam trawling should be prohibited altogether in territorial waters. I perfectly agree with that, and I think that, if something of the kind is not done, we are very likely before long to have something like an open rebellion.

GENERAL SIR GEORGE BALFOUR: There is one point of my hon. Friend's statement to which I would draw attention. It was with great surprise that I learned that Aberdeen Bay was opened up again to trawling. The first intimation I had of it was the statement made of the wrong being done. I do complain of the manner in which the Fishery Board have carried on their business, and I hope we shall hear some satisfactory explanation of this matter.

MR. ANDERSON: I am glad to say that beam trawling has been prohibited in the Moray Firth, by an order which has just come in force. It is said that the Fishery Board have only power to close territorial waters for the purpose of making experiments; if that is the view of the Fishery Board, I take it to be a very mistaken one. The Fishery Board say they opened up Aberdeen Bay because it was not large enough for the experiments they were making.

MR. ESSLEMONT: I was informed by the Fishery Board that they had not the power to keep the Bay closed for any other than an experimental purpose.

MR. ANDERSON: That is what I understood. This is a most important question. If the Act of Parliament is examined—no doubt the Lord Advocate has it before him—it will be seen that though experiments are mentioned it does not at all follow that when an order is made closing a part of the coast against trawling, that that only is to take place for the purpose of making an experiment. If the fact is as is contended by the Fishery Board, the sooner the Lord Advocate brings in a Bill to omit the original Act the better. There was a Division in the Committee of which the right hon. Member for Berwick was a Member, but the opinion then formed, which is manifest in the Report of the Board on page 74, was that beam trawling lessens the number of the fish, and injures the inshore trawling. This year they say the evidence already collected seems to indicate that by restricting trawling to the territorial waters, those waters would in course of time yield more mature fish, and serve as nurseries and feeding grounds during certain months of the year for shoals of herring, and cod, and of other valuable fish. It is a most extraordinary state of things if we are to be told after this statement in their own Report that trawling is to be re-established in Aberdeen Bay because they consider that it is not large enough for making experiments. Now, on this question, fortified as public opinion is by this Report, I shall hear with some surprise that the Act bears the construction which the Fishery Board have placed upon it, and I hope that the Government will at once take steps to have the construction corrected. There is plenty of time this Session to have it done. In a fortnight's time you could have the whole thing put right, and it is of such importance to the fishing industry that there ought to be no mistake at all about it. Not only does the trawling injure the fish, but the question of trawling is of the utmost importance to the older fishermen who cannot go to sea. The steam trawls cut and injure the lines as we have heard, and it is the older men who use those appliances, because they cannot go to sea. I hope the Lord Advocate will tell us what his view is on the question, so that there may be no mistake about it.

Mr. J. H. A. MACDONALD: There can be no question whatever that under the Act of 1885, the Fishery Board have power to put a stop to any particular mode of fishing they hold to be injurious to any part of the territorial waters, but they also have the power under that Act to close any part for the purpose of making experiments; and I think all Members of the Committee will agree with me that the very fact that authority is given to close certain parts of the territorial waters as may be required for the purpose of making experiments, indicates plainly that at first they must have an experimental stage in order to satisfy those who are enquiring what is the real effect of steam trawling, or whatever other mode of fishing they are dealing with upon the fishing in that quarter. Certainly it would be a very extraordinary step indeed, if, while experiments are going on, and the results of the experiments are not yet fully ascertained, trawling were prevented in the territorial waters all round Scotland. There is no question at all that, if it is proved by experiments that beam trawling cannot be carried on without inflicting injury to fishery everywhere, then everywhere beam trawling must be put down under this Act. There is no question about that, but everybody must agree that this is a matter that ought not to be decided without exhaustive experiments. The hon. Gentleman the Member for East Aberdeenshire (Mr. Esslemont) has said that the experiments in Aberdeen Bay have been most unfavourable at the time to the fishermen. I understand that another place has been selected for another experiment, and that the result may turn out to be the same as the result in Aberdeen Bay. While they are at the experimental stage, the Fishery Board cannot be blamed for selecting such places as they think best for experiments, and if they find a place is not suited for carrying on experiments, they cannot be blamed for changing the ground of experiment. As to the question of injury done to fishermen along the coast by the way in which beam trawling is conducted, let me say that there is great difficulty in their carrying out what we may call the sea police, for the purpose of preventing real injury being done to the fishermen by the manner and the way in which beam trawlers carry out their operations, even though these operations may be perfectly proper as regards fishing itself. This is a matter which requires consideration, and I am afraid the Act of 1885 has not been thoroughly operative in enabling the fishermen to obtain redress against those who commit depredations upon their fishing grounds. I think it is perfectly certain that if we find beam trawlers as a body are prepared to conduct themselves in such an outrageous manner as to do real injury to the nets of the other fishermen, that may be quite sufficient ground for such legislation as may prevent them coming within certain limits. If it turns out that you cannot, by the exercise of such sea police as we can organize, really put down what is a grievous wrong, then undoubtedly the Legislature must step in and deal with the matter in a satisfactory manner.

Dr. CLARK: I think the reply of the right hon. and learned Gentleman is very satisfactory, and I shall take care that what he has said shall go North to the people who feel very strongly in regard to this matter. If the Fishery Board were to live any longer I might impress upon them the desirability of having proper boundaries. By the boundaries they have determined upon in the Moray Firth they have still left a large section of the Bay open to trawlers. It has been alleged that the trawlers drive the fish up the Bay, and that in this way the fishermen of the locality are benefited. Judging from the reception which trawlers receive when they enter the Bay I should say that the local fishermen do not believe that this is the case. Trawlers are stoned and the law otherwise broken. If the learned Sheriff, who is a member of the Fishery Board, had been present upon any occasion when a trawler made its appearance he would know that the fishermen do not want steam trawlers and do not benefit by their presence.

MR. ASHER (Elgin, &c.): I entirely agree with what has been said by my right hon. Friend the Member for Berwickshire (Mr. Marjoribanks) that this much debated question of trawling will never be settled until the whole of the territorial waters have been closed to trawlers; but, at the same time, I must express my concurrence with the interpretation of the Act given by the right hon. and learned Gentleman the Lord Advocate. The Act undoubtedly empowers the Fishery Board to close the territorial waters to any system of fishing which they are satisfied is injurious, and also to close territorial waters for experimental purposes. The reason why the Act took that form was that the Act followed upon the Report of Lord Dalhousie's Commission. That Commission reported that after taking a great deal of evidence they could not make up their minds whether trawling was injurious or not, and they practically, therefore, devolved upon the Fishery Board the duty of discovering whether trawling was injurious or not before territorial waters had to be closed. I confess I always thought it was a very unfortunate thing that the Dalhousie Commission did not take up much higher ground, and report as the result of the evidence laid before them whether, in their opinion, the whole of the territorial waters ought to be closed against trawlers. In face of the Report of the Commission it is impossible to carry legislation further than has been done in this Act. The practical question is how soon under the Act as it stands can trawling be put a stop to within territorial waters? Now, in the Report which the Fishery Board have issued they have taken a decided step in the direction of coming to a conclusion that trawling is injurious to the fishing within the territorial waters, and it seems extremely desirable that they should press on their experiments as quickly as possible, because there is no doubt that there is incidental to the system of partially closing waters for experimental purposes a great deal of injury to fishermen along the coast. Suppose the Scotch Fishery Board close the territorial waters of a particular district for experimental purposes, the immediate effect is to send all the trawlers to the adjoining district, and consequently the line fishermen in the district not closed have to submit to the injury of double trawling on their ground. This is not a theoretical objection. It is a very serious grievance to the fishermen to have trawling increased on their ground, because an adjoining ground has been closed for experimental purposes. There is no doubt that a certain period for experiments must be allowed, but it seems to me that it is extremely desirable that the Fishery Board should make up their minds as quickly as possible that trawling is an injurious mode of fishing in territorial waters, and that they should close territorial waters once for all; for, I am perfectly convinced, that this question will never be satisfactorily settled until this is done.

MR. R. W. DUFF: I do not want to say anything more about trawling; but simply to say that the hon. Member for Caithness (Dr. Clark) fell into an error in regard to the harbour which is being constructed in my constituency. He said that this harbour was to cost £10,000. As a matter of fact, the Fishery Board are only to contribute £3,500, and the whole cost of the harbour is only to be £7,234. I also desire to say that I have not received an answer from the Lord Advocate in regard to the increase of the charge upon the Herring Brand.

MR. J. H. A. MACDONALD: I will give the hon. Gentleman an answer at some future time.

Mr. ANDERSON: I now desire to call the atttention of the Lord Advocate to a very important question which I raised some time ago, and which he promised should have his attention. The question relates to the action the Scotch Fishery Board has taken in the past, and may take in the future, with regard to the small fishing harbours. It is a matter of the greatest possible difficulty for fishermen living in villages to keep their harbours of sufficient depth to allow the present fishing boats to enter at all states of the tide. The consequence is that in these harbours—I know several, but I speak more especially of two which are situated in the constituency I represent—this state of things prevails. The harbours were made some time ago when the draft of the boats was less than it is now. By drifting and so on the entrances to the harbours become shallow, and they can only be entered for a few hours each day. What the fishermen want is some power to raise money to put and keep these harbours in proper condition. It is a matter of no difficulty to accomplish, if the Government will take the thing in hand, it may be most effectually carried out by very simple legislation. The Scotch Fishery Board have in their hands certain funds they devote to harbours, but I regret to think they have not been very discriminating as to the harbours to which they have devoted their funds. I am sorry the Lord Advocate is not now in his place, because I should like some reply from the Government upon this point. I beg pardon, I see the Scotch Lord of the Treasury (Sir Herbert Maxwell) is here. On page 24 of the Report of the Board it will be seen that no less than 29 harbours have applied for assistance in this respect, and that the Fishery Board have not given any assistance to them. The Fishery Board did for the first time hold out a ray of hope to the fishermen using these harbours for, if the hon. Baronet (Sir Herbert Maxwell) will follow me, he will find that on page 24 of their Report the Board say—

> "We have come to the conclusion that a general measuse, not very extensive in its scope and purely permissive in its character, ought to be passed for the purpose of enabling fishermen to organize, under the name of District Fishery Board, a local authority, which should be empowered to manage harbours."

And then the Report goes on to give no less than eight provisions which they think ought to be contained in such a measure. They suggest, among other things, that this Local Authority should have power to levy rates, and that the area of the jurisdiction of the power they suggest should not be confined simply to the harbour itself.

The CHAIRMAN: I am of opinion that that subject is quite outside the power of the Fishery Board at present. It is a question of legislation to be discussed independently of this Vote.

Mr. ANDERSON: On the point of Order, Sir, I should have thought that the suggestion of the Fishery Board in their Report is a matter which comes under this Vote. At any rate, I presume I am entitled to consider the action of the Fishery Board in not having given assistance to these small harbours, and what I desire to ask the Government is what steps are going to be taken by them for the purpose of putting the Fishery Board in a better position to give assistance to these fishery harbours, and, if necessary, to place the Fishery Board in possession of larger funds which would enable them to give greater assistance? I think this is a fair question to put to the Government, though I doubt very much whether I shall receive a satisfactory reply. Complete ignorance is shown upon these matters by the Government, and I am afraid the hon. Baronet (Sir Herbert Maxwell) will not be able to give me the assurance I desire. The Report from which I have quoted was prepared in May, and it certainly ought to have been dealt with by the Government long ago. We ought not have been left in the dark for so long a time, and then have the matter left in the hands of the Junior Lord of the Treasury, who, I imagine, has had no opportunity of considering it, and who, I dare say, never expected to be called upon to make a statement upon this subject. [At this point the Lord Advocate entered the House.] I hope to hear some statement from the Government which will reassure those who have to make their living in these small harbours that the Scotch Office and the Board of Trade between them will do something in respect of these small harbours. I have referred to the harbour loans, perhaps the Lord Advocate——

The CHAIRMAN: The hon. and learned Member must see he is travelling back to the question I ruled outside this

Vote. The only question to be discussed is the administration of the fund at the disposal of the Fishery Board.

MR. ANDERSON: I must confess, Sir, I was rather disturbed by the entrance of the Lord Advocate.

SIR HERBERT MAXWELL (A LORD of the TREASURY) (Wigtonshire): It is quite impossible for me to tell the hon. and learned Gentleman what the Government intend to do in regard to the recommendation made only a week ago; but I can tell him what the Board has done in the direction of the reconstitution of these harbours since its reconstruction in 1882. Previous to that time it had improved 28 harbours and piers, and since that time it has improved five harbours and piers in Banffshire. As to what the Government can do and will do, it depends of course very much upon what funds they have at their disposal. The hon. and learned Gentleman says that the Junior Lord of the Treasury is not very competent to answer on the subject of Scotch harbours.

MR. ANDERSON: I do not say that, but I suggested that the hon. Baronet had not of necessity had his attention called to the question.

SIR HERBERT MAXWELL: I know there are two sides to Scotland, the West and the East Coast. The Government have considered the claims of the West as well as the those of the East Coast. The funds at the disposal of the Fishery Board are limited, and the Board have done their best in the past to distribute the funds among those cases which seemed to them most pressing. I assure the hon. and learned Member that any moral influence which I have in the Government will be directed towards obtaining a fair and candid consideration of all the conflicting claims of the many harbours round the coast of Scotland.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(4.) £3,982, to complete the sum for the Lunacy Commission, Scotland.

(5.) £3,895, to complete the sum for the Registrar General's Office, Scotland.

(6.) £21,317, to complete the sum for the Board of Supervision for Relief of the Poor, and for Public Health, Scotland.

(7.) Motion made, and Question proposed,

"That a sum, not exceeding £37,955, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Lord Advocate's Department, and others, connected with Criminal Proceedings in Scotland, including certain allowances under the Act 15 and 16 Vic. c. 83."

DR. CAMERON (Glasgow, College): One very unsatisfactory feature of these Scotch Votes is the large number of notes referring to payments granted to officials. In this Vote, for instance, we find the sum of £850 for a Legal Secretary to the Lord Advocate, and then there is a note to the effect that the Legal Secretary to the Lord Advocate receives occasional fees for preparing Bills, &c. There is another point I wish to turn to, and that is the amount received by the Secretary to the Lord Advocate for the preparation of Bills under the authority of the Lord Advocate. I find that that sum amounts to £800. My reason for calling attention to this item in the Vote is that some years ago there was a Secretary to the Lord Advocate who received a moderate salary, I forget exactly the amount, and there was also attached to the Scotch Office a draftsman, a gentleman of very great ability and a very excellent draftsman. I believe that there was some unpleasantness, at all events, there was a re-arrangement. Mr. M'Lellan received a certain salary as draftsman, and received certain allowances for expenses. When the re-arrangement took place the usual plea was urged—namely, that it was in the interests of economy. Mr. M'Lellan was dismissed, and his emoluments were to a considerable extent added to the emoluments of the Lord Advocate's salary. I do not think that was a very satisfactory arrangement. It did not attract much attention at the time, but it is almost impossible for a gentleman to discharge adequately the duties of the Lord Advocate's Secretary and to do all the drafting of Bills. I should like the Lord Advocate to say whether the whole drafting is done by his Legal Secretary, or whether it is done to a large extent outside.

THE CHAIRMAN: The item for drafting comes in the next Vote.

Dr. CAMERON: What I wish to point out is that a portion of the salary and emoluments received by individuals is not mentioned in the chief head under which it comes. That is a practice which was greatly adverted to when the Committee was sitting upstairs, and I wish to direct special attention to it now. There are a number of other points in this Vote to which I think it right to call attention. I find, for instance, that the Crown Agent receives £1,200 per annum, and I should like to know from the Lord Advocate whether the Crown Agent is engaged in any private business; is he a land agent or does he practice privately?

Mr. J. H. A. MACDONALD: The Crown Agent has invariably been a Writer to the Signet in Edinburgh, and the present Crown Agent is a member of the firm of Tods, Murray and Jamieson. It is obvious that a gentleman in such a position cannot be asked to give up his other means of livelihood.

Dr. CAMERON: I asked that question because it forms a portion of another and a greater question. I beg to move the reduction of this Vote in connection with the administration of the criminal business in Scotland. Probably the best way of doing that will be to move to reduce the Vote by £500 in respect of the expenses for criminal prosecutions under the authority of the Lord Advocate. In the course of last autumn a number of proceedings were taken to which attention was called at the time in the Island of Skye and elsewhere. I am not going to enter into the details of these proceedings, but I wish to draw attention to two or three cases which I think justify my contention that we should be chary of granting too much money for this purpose. There were several arrests made in a most arbitrary fashion, in a most expensive fashion, and in a fashion for which there is no earthly reason. There was a clergyman—an Established Church clergyman—in the Isle of Skye, who had been present at a meeting, and a report of which appeared in the newspapers. That report, however, gave an erroneous account of some resolution adopted at the meeting and, a month after the meeting had taken place—a month after this resolution had been passed—proceedings were taken against this clergyman, and against another person who had been present at the meeting. The authorities alleged that the resolution in question was criminal. They had no evidence whatever of its being passed, except the statement in the newspaper to that effect. Without taking the smallest trouble to ascertain the correctness of the report, they laid hold of this clergyman. They sent an expedition to his house, they had him surrounded by Marines, marched off to prison, and kept in prison some days before he was released on bail. Mr. J. M'Pherson, the gentleman who induced the right hon. Gentleman the Member for West Birmingham (Mr. Chamberlain) to take an interest in crofter matters, and acted as the right hon. Gentleman's guide when he travelled through the Highlands, was the gentleman who was arrested along with Mr. Macallum. Mr. M'Pherson's house was surrounded, and he was arrested and carried many miles to gaol, and kept in gaol for seven days, being released about 10 o'clock on a Saturday night, when he had to walk some 35 miles to his home, which he reached about midday on the Sunday. When these gentlemen had been arrested, the Crown took steps to procure evidence against them. They hunted the whole island for persons who were present at the meeting, and they procured the attendance of their witnesses in a very high handed manner. I am credibly informed that fishermen, engaged in their occupation, were seized and told they must go at once to the Procurator Fiscal and give in their depositions. There is not the smallest reason why the Rev. Mr. Macallum should not have been brought before the Sheriff, neither is there any reason to suppose that Mr. M'Pherson would have taken himself off if he had been summoned. On a previous occasion, when he came in contact with the law, he pledged himself to give himself up to the Government, and, as a matter of fact, he travelled at his own expense to Greenock for the purpose of complying with his promise. There is not the smallest reason to believe that Mr. M'Pherson would not have given himself up in this case. There is no reason why he should not have been summoned; there is no earthly reason why so unnecessary an expense should have been gone to in the way of making a military demonstration for the arrest of this man for what was really a political offence, if it was anything at all—namely, complicity in the drawing up of a resolution which turned out afterwards not to have been correctly reported. There was no reason for arresting these men before evidence had been got against them; but, as a matter of fact, the hunt for evidence did not take place until these men had been clapped in gaol. When one of them threatened proceedings, a fresh hunt for evidence was made, and an Inverness newspaper office was completely ransacked for evidence. For months afterwards the magistrates hunted for evidence. These were not right or creditable proceedings, and I think the Committee should, by diminishing the Crown expenses connected with them, mark their sense of the injustice perpetrated. Furthermore, I maintain that, in respect to conviction cases, the law of Scotland is strained to its utmost limits, the whole resources of civilization appear to be turned against the population for the purpose of securing convictions. A man in Skye wrote a letter to the Secretary for Scotland, in which he denounced the conduct of the official who was in charge of the expedition as that of a judicial monster. Having sent the letter to the Secretary for Scotland, he thought proper to print it, and a copy of it was circulated in the Highlands. He was seized and cast into prison. Now, I do not defend his action in using the term "judicial monster" towards Sheriff Ivory; but I maintain that, if he were made accountable at all, he should have been made accountable for his words in a Civil Court, and should not have been summarily seized and put into prison on a charge for which the Crown Authorities did not, when they came to investigate the matter, even think of prosecuting. I got a letter this morning relating to an eviction. It was from Mr. Donald McKie. There was an eviction riot in Argyllshire, and some men were arrested in connection with it. Among them was this Mr. McKie. He denied he was near the place until after all the disturbance had occurred, but he was prosecuted, and he was sentenced to 30 days' imprisonment, although he had witnesses to prove he was not at the place during the progress of the riot. He appealed, but, owing to some technical mistake, the hearing of his appeal was put off for 19 days, and he was kept 19 days in prison. When at length the appeal was heard he was liberated. Such a thing may happen under all circumstances; but it is an extraordinary fact that it is in the Highlands where you find mistakes against prisoners occurring with the greatest frequency. When this man's innocence was proved before the Appeal Court he naturally complained of his treatment, and wished the authorities to prosecute the witness who had testified he was present at the time of the riot, and who had got him imprisoned. Now, you see the point of my question—whether the Crown Agent acts as land agent? This man asserts that the Crown Agent is the agent for an estate in the neighbourhood of the place where the riot occurred, and that the witness on whose false testimony he was convicted is a tenant on that estate. I do not say that the Crown Agent was influenced by this fact, but I maintain that the injured person naturally attributes the refusal of the Crown authorities to take any action against the man whose false evidence had sent him to prison, to the fact of the Crown Agent being agent for the estate on which this man was tenant. Now, there is another side to the question, and that is the lethargy which marks the action of the Crown Office in other matters. Some time ago, I asked the right hon. and learned Gentleman a Question concerning a fraudulent bankruptcy case in Glasgow. A man named Ferrier bought a number of articles of jewellery, and pledged them within four months of his sequestration. In the second place, he entered the money he received on the pledged goods as having been received from his bank; and in the third place, he obtained other articles of jewellery on false pretences, having, according to his own contention, obtained the articles on the plea that some customer was waiting to buy them from him. These are all offences under the Debtors (Scotland) Act. The man was reported to the Sheriff by the trustee in the ordinary way, and the Sheriff reported him to the Lord Advocate for prosecution. Nothing was done then, the case lingered for many months—the sequestration occurred in September—and he was brought up in the month of April following, charged not under the Act expressly passed for dealing with this class of offence, but charged with fraudulent imposition. The man pleaded guilty, but Advocate Depute refused to move for sentence. Now, I do not wish for vindictive administration of the law, but I do certainly say that when Parliament takes the trouble to pass an Act that Act should be enforced. I think the law should have been vindicated by this man being brought up and receiving some sentence. The mercantile community should have been shown that the pledging of goods obtained on credit within four months of sequestration, and the falsification of accounts, and the obtaining of goods by false pretences, constitute crime under the Debtors Act. The Lord Advocate replying to my Question on the subject told me the case did not occur within four months of sequestration. That is quite wrong. I have it on good authority that there are four instances in which all these three breaches of the Debtors Act occurred within four months of sequestration. Take another case in connection with the administration of law in the Highlands, as showing the invidiousness with which justice is administered. Some men made themselves very notorious in connection with the Skye expedition. For instance, a namesake of the right hon. and learned Gentleman the Lord Advocate—but I believe no connection of his—Mr. Macdonald the Sheriff's officer, made himself very notorious. Among other charges, charges of assault were brought against this man; of course the Fiscal would not act. Very shortly before the expedition Macdonald had burned down a house. He evicted the tenant, and having done so was seen to burn down the house. He had no authority whatever to do that; he was guilty of firing neither more nor less. An investigation of the matter was made and he was reprimanded. He was reprimanded by the Lord Advocate through the Sheriff of the county. I venture to say that if it was right to strain the law to such an extent as to seize a man who called a Judge a "judicial monster," and put him in prison; if it was necessary to strain the law in the case of the clergyman, the Rev. Mr. Macallum; if it was necessary to drag fishermen from their work to give evidence against Mr. Macallum, it was necessary to administer the law in a more stringent manner than was done in the case of this Mr. Macdonald. When this man burnt down a house without the slightest authority to do so, when he did so to the detriment of the dwellers in the house who afterwards were obliged to vindicate their rights in a Civil Court, I think the authorities were bound to give greater consideration to the matter than they did in order to show that they were actuated by a desire to administer even-handed justice. I have pointed out the reason why I have moved the reduction of this Vote; in the first place, the useless expense, offensively and unnecessarily gone to, gone to in a manner the Lord Advocate tells us he himself disapproved of in connection with the arrest of the Rev. Mr. Macallum, and Mr. M'Pherson; the unnecessary expense to which the county was put by the putting in prison of the man who called Sheriff Ivory a "judicial monster," without seeking a remedy—if any remedy was necessary—in the Civil Court; the laxity, on the other hand, of the administration of the law in other cases to which I have drawn attention, especially in the case of Ferrier; and the laxity in another set of cases of which I have quoted that of Mr. Macdonald as a type, and furthermore the prevalence of the system of the Procurator Fiscal and others engaged in the administration of justice acting as land agents and in other private capacities. This is a practice which, as I have shown to-night, exists not only in the case of Procurator Fiscals, but in the case of the Crown Agent, greatly to the detriment of the popular belief in the impartiality of the administration of justice in Scotland. I beg to move the reduction of this Vote by £500.

Motion made, and Question proposed,

"That Item C, Criminal Prosecutions under the authority of the Lord Advocate, be reduced by the sum of £500."—(*Dr. Cameron.*)

Dr. CLARK (Caithness): I have very great pleasure in supporting the Motion of my hon. Friend the Member for the College Division of Glasgow (Dr. Cameron); all the points that he has called in question I feel very strongly upon. Now, as to the Crown Agent, I have been able to get from the right hon. and learned Gentleman the Lord Advocate the information that this most important of all Scotch Law Officers next to the right. hon. and learned Gentleman himself, is a member of a firm who attend to the estates of Scotch landlords, and that on these estates there is occasional trouble. The fact that the Crown Agent acts in a double capacity has caused a great deal of suspicion in some portions of Scotland regarding his impartiality. The Crown Agent is one of those curious men like the Lyon King-of-Arms, who holds a number of offices.

THE CHAIRMAN: I must remind the hon. Gentleman that this Amendment only refers to criminal prosecutions.

DR. CLARK: This man ran as a Conservative candidate for one Division of——

THE CHAIRMAN: Order, order!

DR. CLARK: Well, he is one of the leading Conservative electioneering agents, and I think that a gentleman who occupies the very important position of Crown Agent ought to give his entire services to the Crown, and ought not to be a member of a practising firm of solicitors. Then, with reference to the other point raised on Sub-head D—"Sheriffs' Accounts, Procurators Fiscal, not paid by salaries, &c." It has reference to the Procurator Fiscal at Portree. This gentleman is not paid by salary, but by fees, and probably the prosecutions that we complain of will add to his income. The action of the Fiscal in the case of the Rev. Mr. Macallum and Mr. M'Pherson was entirely unwarranted. The rev. gentleman, Mr. Macallum, was going to preach for one of his friends some distance away, and just as he was starting they seized him and rushed him into prison upon some vague report that, a month or five weeks previously, he had used inflammatory language at a meeting. The report was discovered to be entirely incorrect. He had never used inflammatory language at all; but the Procurator Fiscal thought it proper to prevent a congregation hearing the eloquent sermon of this rev. gentleman; for, instead of allowing him to preach to them, he ordered him to spend his Sunday in prison, and all because some stupid report had appeared regarding a speech Mr. Macallum was supposed to have made. All that was required was that a summons should have been served upon the rev. gentleman, to which he would certainly have attended. Instead of that he was imprisoned. The same thing occurred in the case of Mr. M'Pherson. You took this poor crofter by sending a gun-boat to arrest him, also for a mythical crime, and then the Procurator Fiscal kept him in prison for seven days, refused to allow anyone access to him, and only turned him out of prison late on Saturday night. He was then 40 miles away from his home, and he was obliged, in order to reach it, to walk all night. Previous to this M'Pherson had been interdicted by the Superior Court of Ireland. He was required to deliver himself up in Edinburgh, and he went to Greenock and hunted about to find someone to arrest him. It was difficult for him to do this, as he could anly be arrested by an officer of the Supreme Court. In this case, also, the Procurator Fiscal ought to have summoned him. There is another case which comes under Sub-head E., and which also ought to be considered—a case respecting the same Procurator Fiscal. I am not going to say anything about Sheriff Ivory, because we have had him in Quarter Session, where he was found guilty and punished; but I mean to say a word respecting the Orkney Fiscal, whose salary, I think, ought to be reduced. This is one of the Fiscals who first begun the absurd practice of using gun-boats in the prosecution of trivial matters. A lad of 14 years of age was supposed to have sent a threatening letter to a gallant gentleman in the Army; this was the first offence the lad had committed, but it was thought necessary that a gunboat should be sent to intimidate him. The next complaint we have to make against this Procurator Fiscal and Factor, for this man represented both the Crown and the landlord, is an organized attempt on his part to intimidate the people. There was a rev. gentleman, a Minister of the Free Church, and a member of the School Board, who lent to a Conservative candidate the use of a school free, and who even went further and gave the candidate the gratuitous use of his own lamps to light the school, in order to enable the candidate to address the people there. All the clergyman wanted was the ordinary right of a Scotch elector to heckle the candidate, and he asked two questions—namely, whether the candidate intended to support the landlords, and whether he intended to support Lord Randolph Churchill and his obstructive Party in the House of Commons. The Procurator Fiscal created a new crime upon this occasion, which was, that the rev. gentleman would not sit down when the Chairman rose, but persisted in asking impertinent questions. The result was that this Procurator Fiscal—this Tory agent—notwithstanding all that the poor minister had done to oblige the Conservative candidate, actually dragged the minister up upon this frivolous charge, and got him sentenced to four days' imprisonment. We got the Quarter Sessions to suspend the sentence, and, upon hearing the appeal, the Quarter Sessions unanimously resolved that this was a frivolous prosecution, that no crime had been committed, and they therefore ordered the immediate liberation of the rev. gentleman. A good deal of money was spent upon the prosecution, and the other ministers of the Island have been wanting to know how much was spent. Until now the Lord Advocate has been supporting the Sheriff and the County Authority in refusing to give any particulars to the ratepayers, especially to the ministers, as to the amount spent by the county in trying to constitute the heckling of a Conservative candidate a new crime. Seeing that the Court unanimously decided that heckling is no crime, seeing that the senior lord of the Court, in giving the decision, said he could not characterize the charge, I think this House should curb officials like the Orkney Procurator Fiscal—should take a little off his salary for such work as I have described. I do not think that other Procurators Fiscal at Portree and Orkney should receive the salaries asked for them because of the way they have misused the power placed in their hands. I cannot help thinking that we have frightened some of the Procurators Fiscal, and that they will not trouble us again in the same fashion. I strongly support the reduction of the Vote proposed by my hon. Friend (Dr. Cameron).

Mr. MACDONALD CAMERON (Wick, &c.): I have pleasure in supporting what has been said by my hon. Friends the Member for the College Division of Glasgow (Dr. Cameron) and the hon. Gentleman the Member for Caithness (Dr. Clark). I will not detain the Committee by going over the ground that has been traversed by those hon. Gentlemen, but I think it would conduce to the well-being of the country if the Law Officers of the Crown were not in any way to engage in private practice. This House knows, and I think the House gives the Scotch people credit for the fact, that the Scotch people are a law-abiding people. If, however, the fountains of justice are poisoned, you cannot expect that the people will continue to be law-abiding. I assure the Committee that recently the people have been very sorely tried in respect to the administration of justice, and I hope the right hon. and learned Gentleman the Lord Advocate, as the official Representative of Scotland in this House, will take care that in case of vacancies arising in the Law Offices the gentlemen appointed will devote their whole attention to the duties of their office. I do not for a moment suppose that this House will ever deny a fair day's wage for a fair day's work.

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities): I think it will be granted that in prosecutions, as in the management of other Public Business on a large scale, things will occur which are not satisfactory. Some arrests were made which were not wise, and in cases in regard to which another mode of procedure would have effected what was wanted perfectly well. What has happened in consequence of these cases, however, will perhaps prevent such occurring in the future. In regard to the Crown Agent I must take this opportunity of saying to the Committee that so long as the Crown Agent is an official who has to pack up all his things and go off whenever the Government changes it cannot be expected that any gentleman holding a good position will give up that position and take the office upon a salary, with the possibility that at the end of three months or six months, or at the end of three or four years he may be turned out. Up to the present time the Crown Agent has always been a man holding a very high position, and I assure hon. Gentlemen opposite that in all cases of criminal prosecutions the present Crown Agent, with whom alone I have had to do, has taken no part in any of them. I have further to inform hon. Members that as regards criminal prosecutions in cases which come up to the Crown Office in Edinburgh the Crown Agent has no discretion whatever, he is merely the official who manages the business of the office, who sees that the correspondence is properly carried on, that the proceedings are properly brought up and sent on to the Crown Counsel, and they are sent to the Crown Counsel without any advice whatever on his part, and without his interference in any way with the papers which come up from the Procurators Fiscal in the county. I am sure I shall be borne out by my right hon. and hon. and learned Friends on the Front Opposition Bench when I say that the Crown Agent does give the Lord Advocate most useful advice in regard to matters of a civil nature. He spares himself in no way to give him advice upon civil matters, but he has nothing whatever to do with actual criminal prosecutions. I hope that what I have now said will allay the feeling which seems to exist as to the Crown Agent's supposed interference in criminal prosecutions. As regards Procurators Fiscal it is perfectly true that in many cases they have not confined their attention to the duties of their office, and that they do not receive salaries sufficiently adequate to justify their being called upon to so restrict their attention. I think that the present is not a desirable state of things, and if we could by any possibility cure it I should be the very first to do so. As far as we have been able to, we have in many cases, both in the time of my Predecessor and myself, made arrangements whereby in the future a Procurator Fiscal shall be limited to the duties of his office. But, Sir, so long as Procurators Fiscal are only local officials in a particular county, and are not members of the Public Service, liable to be moved and entitled to be moved in the way of promotion from one place to another, I do not think we can absolutely get rid of the present difficulty. It is quite impossible to expect that in outside places like Portree, Orkney, and Loch Maddy you can ever get efficient men for such work as that of Procurators Fiscal for a small sum. It is quite impossible to expect a man to sit down in such places as these upon an inadequate salary, without the slightest prospect of an improvement in his position.

Sir GEORGE CAMPBELL (Kirkcaldy, &c.): Why not?

Mr. J. H. A. MACDONALD: If you get a clever and able man he will naturally aim at becoming something better than a Procurator Fiscal on a desolate island on a salary of £250 a-year.

Sir GEORGE CAMPBELL: Why should he not be promoted to a superior position?

Mr. J. H. A. MACDONALD: Because at present Procurators Fiscal are not members of the Public Service, but are the local servants of the Sheriffs of the counties in which they serve. If we could have Procurators Fiscal put upon the Public Service, so that we could do as we do now with Sheriffs' substitutes—move good men from outlying places to better places, where they will have more society and better salaries—I believe it would be a great benefit. If the Members of the House of Commons who have the control of the public purse are willing that Procurators Fiscal should be put upon the Public Service at an enormously increased cost to the public, I think that a great improvement in this direction might be effected. But so long as things are in the present position there will be great difficulties in the way of an improved Service. Personally, I have made every effort, and I know that my right hon. and learned Predecessor the Member for Clackmannan (Mr. J. B. Balfour) did the same, in every case where it was possible, to secure an efficient person, and to improve the salary, and, as far as possible, exclude the official from engaging in other business. In many cases, however, it is extremely difficult to make such a regulation.

Sir GEORGE CAMPBELL: I should like to receive some further explanation from the right hon. and learned Gentleman. Are we to understand that the Procurators Fiscal still hold office during the pleasure of the Sheriffs, and are liable to be turned out at the pleasure of the Sheriffs? If that is not so, I do not in the least understand why it should not be possible to promote a Procurator Fiscal who has shown himself an efficient man.

Mr. J. H. A. MACDONALD: The Procurator Fiscal for a county is nominated by the Sheriff subject to the approval of the Secretary of State; but he cannot be transferred to another county if he prove himself efficient, because the Sheriff of the other county has his own nomination.

General Sir GEORGE BALFOUR (Kincardine): But we think important public officials of this kind ought not to be the nominees of the Sheriffs. It is for the Lord Advocate to introduce a change. I wish a Procurator Fiscal, whatever his salary, to be nominated by the responsible officer of the Government, and not to be a mere nominee of the Sheriff. It seems to me that that is an extremely necessary change to make; and I also think that we should be able to promote Procurators Fiscal, and that we might do this without any very large increase of the public charge. I believe that your ruling, Sir, will not enable us to go beyond the question of criminal prosecutions and Procurators Fiscal; but, if we could, I should like to say that it is impossible for us to arrive at any conclusion as to the emoluments of public servants, whether they are Crown Agents, Procurators Fiscal, or anything else. I understand that the system by which public officials are paid is by fees and salaries; but in Scotland you pay officials salaries while, at the same time, they receive fees. There are many notes to this Vote showing that such and such officials also receive certain fees. You really have a general system under which it is impossible for a Member of Parliament or anybody else to get at what the real emoluments of these legal officers are.

Mr. MACDONALD CAMERON: I quite admit what the right hon. and learned Gentleman the Lord Advocate has just said in regard to the difficulty of dealing with Procurators Fiscal. The right hon. and learned Gentleman says we cannot get a thoroughly good man, under the present circumstances, to consent to be located in one of the Western Islands of Scotland. If, however, you will put Procurators Fiscal on similar terms to Inland Revenue and Custom officials, to Post Office officials, or constitute them a separate and distinct department, the members of which are bound to go anywhere, you will be able to overcome the difficulty. Men will go to the most outlandish places because they are ordered. If some such system as I suggest were adopted, there is no doubt that the source of justice would be greatly purified. I do hope the Lord Advocate will see his way to advise the Government to put these particular officials upon a footing which will be satisfactory.

General Sir George Balfour

Question put.

The Committee *divided*:—Ayes 72; Noes 173: Majority 101.—(Div. List, No. 369.) [10.45 P.M.]

Original Question again proposed.

Mr. ESSLEMONT (Aberdeen, E.): I rise, Sir, to move the Amendment which stands in my name, and I am sure that the right hon. and learned Gentleman the Lord Advocate will give me the credit of moving this from a sense of public duty, and from no personal feeling in regard to the right hon. and learned Gentleman himself. I observe that in connection——

The CHAIRMAN: The Amendment the hon. Member has given Notice of is to reduce the item A. He cannot do so after the Division which has just occurred. He may move it on item C.

Mr. ESSLEMONT: I rose in my place, Sir, to move my Amendment some time ago, but you called upon the hon. Member for the College Division of Glasgow (Dr. Cameron).

Mr. ANDERSON (Elgin and Nairn): Go against the whole Vote.

Sir GEORGE CAMPBELL (Kirkcaldy, &c.): Several of us, Sir, who are anxious to draw attention to the matter in question, have been deprived of an opportunity of doing so. The hon. Member for Glasgow began by making remarks upon the whole Vote, and he gradually went on to move the reduction of a particular item before any of us knew that anything was going to happen.

Dr. CAMERON (Glasgow, College): The hon. Gentleman may move the reduction of the whole Vote.

Mr. ESSLEMONT: I will not occupy the attention of the Committee for any length of time, but the circumstances of the case I wish to bring under the notice of hon. Members are these. We have been promised a reorganization of the Scotch Office, and, as I said before regarding the Secretary for Scotland, we were to relieve the Lord Advocate of his political functions. I am not now speaking of the very important functions that the Lord Advocate performs in connection with the administration of the Criminal Law of Scotland; but what I ask is, that since we are voting £2,000 for the Secretary for Scotland to be our political Representative, why should we continue to pay exactly the same sum to the Lord Advocate, who has not these duties to perform? Now, if the Committee will look into this Vote, they will find that there is a sum of £2,388 a-year paid to the Lord Advocate, and that there is also a sum of £850 a-year paid in lieu of fees abolished by Act of Parliament in 1852. The reason that I have moved the reduction of the Vote by £738 is that I think the salary paid to the Lord Advocate should be £2,000, and that his receipts in lieu of fees abolished should be only £500, making altogether a sum of £2,500. Now the reason for my moving this reduction is, that we are placing the Lord Advocate in respect of his political Office in a higher position than we place the Secretary of State for Scotland; and if it were not that comparisons are odious, I might say that in return for a less amount than that which you pay the Lord Advocate you have the duties of the Chairman of Ways and Means—most important and responsible duties—performed. In regard to the fees abolished; I quite admit that during the time that some past occupants of the situation filled the Office the Lord Advocate now holds, it was quite right to give a Vote in lieu of the fees abolished, but the right hon. and learned Gentleman the present Lord Advocate has ample opportunities for devoting his great talents to professional duties for which he is paid, so far as I can see, a sum equal to £5,000. Now, we are taunted by some English Members that we are always willing to take large sums of money when we can appropriate them to ourselves in Scotland—that we are always ready to receive money if it comes out of the Treasury. But here is a distinct case to the contrary; here is a case in which we do not want our officials to be paid too highly. I have another reason for asking for the reduction of this Vote. I think, as has been indicated by Questions put in this House, that the Lord Advocate might be relieved altogether of his political position in this House. He is superseded by the Secretary for Scotland, and he is superseded by the Home Secretary, and he has no real position or authority, and I do not see why his should not be a terminable situation. The right hon. Gentleman opposite has said with regard to these Votes, that we must pay these officers well, for the reason that they are subjected to the exigencies of Party, and are liable to be turned out of Office when there is a change of Government—that they take temporary Offices under Government which they might lose in the course of two or three months, and that, therefore, they cannot be expected to relinquish their professional emoluments for the Office. My answer to that is that the Lord Advocate need not necessarily be placed in that position at all. If you remove from the Office of the Lord Advocate his political position, then for that reason the Lord Advocate for Scotland need not necessarily be in this House, and may remain in the enjoyment of his official emoluments for a longer period than the existence of a single Government. There is a Gentleman in this House who is very much underpaid—that is to say the Solicitor General for Scotland—and my suggestion is that there should be a redistribution of the emoluments of these Offices. I am not at all sure what these professional Members of the Government from Scotland do, because it seems to me, if we look at the general Votes of the House, that salaries are paid to other officers for doing the work. I suppose we may look upon some of these high officials as merely superintending. I suppose it is necessary that someone should advise the Government as to Scotch law, and I think that that function falls very naturally upon the Gentleman who fills the Office of Solicitor General for Scotland. He does not seem to be provided with professional clerks to do this work, and I certainly think he is very much underpaid, receiving only £900 or £1,000 a-year, while the Lord Advocate has £3,238 a-year, besides a great amount of assistance in the performance of his duties. I should, of course, excuse the right hon. and learned Gentleman for defending his own position and emoluments, but I am very sorry to see the hon. and learned Solicitor General for Scotland (Mr. J. P. B. Robertson) is not in his place——

An hon. MEMBER: He is here.

MR. ESSLEMONT: Then I beg the hon. and learned Gentleman's pardon. I have no doubt he will rise in his place and defend the emoluments of the Lord Advocate. I hope, however, he will take into consideration the important fact, that I do not, in any way, desire to deprive Scotland of it fees, but merely desire that a Gentleman who represents one of the counties of Scotland should have a fair salary, as compared with that received by a Gentleman who merely represents the Professions, who sits for the Professions holding a place which I think to be untenable. Notwithstanding the very aristocratic constituency of the right hon. and learned Lord Advocate——

THE CHAIRMAN: Order, order!

MR. ESSLEMONT: I was going to say that notwithstanding the aristocratic constituency that sends the right hon. and learned Lord Advocate to this House, I think that anyone who takes a political position here should be in touch with his constituency. Hence my reason, though I may be quite out of Order—and, as a matter of fact, I believe I am out of Order—in questioning in any way how any hon. Gentleman finds his way to this House—for moving this Amendment, as I think it is not fair play that the right hon. and learned Lord Advocate should receive such rich emoluments whilst the right hon. and learned Solicitor General for Scotland receives such poor remuneration for his services, which are so well acknowledged. I will not, under the circumstances, put the Committee to the trouble of dividing upon this Amendment. I know that my Friends who are supporting me will be very much disappointed, because I know that they desire very much to effect this economy. But we are promised a new Bill with regard to the Secretaryship for Scotland, and we are promised much better services, generally speaking, than we have had hitherto. My complaint is, that with all our paid officials we have got no Scotch Business done, and have been entirely neglected. We will not pay the money unless we get better services; and this Motion, therefore, will be a warning to the right hon. and learned Gentleman opposite.

THE CHAIRMAN: Does the hon. Member move the reduction?

MR. ESSLEMONT: Yes, I will move it.

Motion made, and Question, "That £37,217 be granted for the said Services," — (*Mr. Esslemont,*) — put, and *negatived.*

Original Question put, and *agreed to.*

Mr. Esslemont

Motion made, and Question proposed,

"That a sum, not exceeding £43,465, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Courts of Law and Justice in Scotland, and other Legal Charges."

DR. CAMERON (Glasgow, College) rose to speak to the Question.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I had hoped that it would have been possible to complete these Votes this evening; but we are under an engagement to take the Technical Instruction Bill now, and if, therefore, there is likely to be any discussion upon any of these Votes, we shall be compelled to postpone them.

SIR GEORGE CAMPBELL: I want to say, by way of caution, that we Scotch Members must not be supposed to approve of all these Votes contain. It is only through the necessities of the case that we refrain from opposing them.

DR. CAMERON: It would be impossible to allow all these Votes to go without discussion.

MR. W. H. SMITH: Well, I move to report Progress.

DR. CAMERON: When does the right hon. Gentleman propose to proceed with the Scotch Votes—when next we go into Committee?

MR. W. H. SMITH: No; when next we go into Committee we shall proceed first with the English Votes.

MR. R. W. DUFF (Banffshire): When does the right hon. Gentleman intend to take the Scotch Votes again?

MR. W. H. SMITH: In their proper order.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. W. H. Smith,*)—put, and *agreed to.*

Resolutions to be reported *To-morrow.*

Committee also report Progress; to sit again *To-morrow.*

TECHNICAL INSTRUCTION BILL.

(*Sir William Hart Dyke, Sir Henry Holland Mr. Jackson.*)

[BILL 332.] SECOND READING.

Order for Second Reading read.

THE VICE PRESIDENT OF THE COUNCIL (Sir WILLIAM HART DYKE)

(Kent, Dartford): I am sure the House will forgive me if I occupy the attention of hon. Members for a few moments—and they will be very few, because I am sure that it will be most valuable that we should have an adequate discussion on the Bill—but I think hon. Members will admit that I had the misfortune to introduce this measure under somewhat adverse circumstances. I hope, looking at the manner in which I was obliged to introduce the Bill, that I may be now permitted to make a few observations. I think the importance of the Bill will be admitted by all. I am glad to notice that nearly all the Amendments which have been put down to the Bill begin with the statement that this is a subject deserving of all our attention and consideration. Now, Sir, I hear many objections to this measure, more especially with regard to its application to agricultural districts; but I should like to defer my remarks upon that point for a few moments, and to speak upon what might be called the primary object of the measure. I take the primary object of the measure to be the enlargement of the powers of the Science and Art Department at South Kensington under the administration of the Lord President and Vice President of the Council—the enlargement of their powers so as to enable them to supply technical instruction of a primary character to enable scholars who have passed the Sixth Standard of education, or an equivalent to that Standard, to have an opportunity of getting two or three years' more scholastic training in day or evening schools—in other words, giving them elementary technical instruction, not by any means teaching them a trade, but affording them that training of the eye and the hand, either in woodwork or in ironwork, or in other subjects, and by that means giving them greater facilities for acquiring a trade. I think there are two great advantages to be gained by these proposals. In the first place, I think it a very great advantage that a student should have continuous training—that the best of our scholars should have continuous training for two more years; and I think that the second advantage will be in turning labour from markets which are now overstocked into new channels. It will be a great advantage to turn our scholars from many of the present desired means of obtaining a living—from those cravings after clerkships and other occupations which have long since been glutted, the supply having long since exceeded the demand. A great advantage will be to send the best of our scholars amongst the artizan classes, out amongst the great army of industrial competitors, better equipped than they would otherwise be for holding their own in the struggle. That, I take it to be, is the primary object of the Bill; and now as to some of the objections to the Bill. What is it to cost? I have heard urged against the measure that it will be a great instrument for increasing the rates. Well, with regard to that, I should like to divide the operation of the Bill, as it were, at once under two heads—that is to say, the head of expenditure which will come under the building powers that will be granted to Local Authorities for the extension of buildings; and the head of expenditure necessary to enable classes to be held in the existing buildings. With regard to this matter, I am strongly of opinion—and I think I shall be supported by many who have made a long study of the question—that, so far as the training which this Bill will afford is concerned, it will be found possible to provide a vast amount of it immediately in existing buildings. Well, if that be so, I should like, if I may be allowed to do so, to quote what the actual cost of this measure is likely to be as regards the ratepayers if this training is conducted in existing buildings. And here I may say that this technical instruction is not a new proposal. This special form of training has for many years past been tried in our large centres; therefore, this is no new experiment as regards the subjects upon which instruction is to be given. Hon. Members, no doubt, have got information upon this head themselves; but I should like to quote one or two instances of what the actual cost has been where this special form of training has been carried out in existing schools. I have one or two instances here. I will first take an instance of an institute in Perth. This institution is an endowed school, it is true; but here is the exact sum which will provide for an education, such as I have described, for a year. The cost of setting up benches, the cost of tools, a lathe, a metal bench, and other sundries in this institute came to £80 10*s*.

An hon. MEMBER: How many boys?

SIR WILLIAM HART DYKE: Kindly allow me to finish. In that school 160 boys could easily be taught in each room for a session. There are 20 benches, with eight boys at each bench. This provides for the instruction of these boys at the rate of 4*s*. 6*d*. per head per annum. Therefore, in this institution, at all events, the chief expenditure will be for the teaching. In this case the teaching is afforded by an Art master supplied by the establishment. Now I take another case, which is very similar. I take it from the paper read by Professor Rücker before the British Association. The case I have given shows the expenditure involved in setting up a workshop for wood and a workshop for iron. In the second case, I would mention the expenditure for fitting up benches, tools, lathes, and so on was £68—that was in Manchester, at an institution affording manual instruction. Therefore, when we come to the question of expenditure under this Bill, I think it is only fair to urge that, so far as this class of training is concerned—and it will be of an elementary character—I think it only fair to say that the experiment is one which has for years past been fairly and fully tested. Therefore, I think it only fair to argue further that, as regards the expenditure of the rates on the class of training to be obtained under this Bill, it will be reduced to a minimum. There is one point I should like to deal with at this stage. It is complained that there is a distinction made in the Bill with regard to subjects which may earn grants, and it has been urged that the earning of grants will add to the demand which will be made upon the rates under the Bill. That is perfectly true; but, at the same time, when subjects are taught in these schools which are in existence in connection with the Science and Art Department, if you take the grants given to the children and the fees which the children pay, I believe it will be found that the demand which will be made upon the rates in this respect will be reduced to an infinitesimal amount. It may be argued what guarantee is there that, if you give these powers, the Local Authorities will not set up after all a very expensive kind of training of a secondary character? I believe we have this guarantee—that our artizan classes are united in demanding that there should be some safeguard against the teaching of trades. I believe that every form of instruction that actually taught a trade would meet with the greatest obstruction from the working and artizan classes of the country. [*Cries of* "No, no!"] I have had a great deal of information from the working classes on the subject. Protest after protest has been received from them on this subject. I could read many resolutions on the matter to the effect that this Bill, whatever it may be, shall not be a trade-teaching Bill. Another point I should wish to put before the House is this—that the effort this Bill will make will not be a solitary effort in the cause of technical instruction. I should like to point out to the House the enormous sums that are now being voluntarily spent in this country in respect of this class of instruction. I should like to inform the House, as it may not be generally known, of the vast sums being yearly spent in this way by the City and Guilds of London Institute. I apprehend that a measure of the kind which I ask the House to assent to will tend to stimulate the efforts that are being made by such bodies as this. The greatest praise is due to the Clothworkers' Company and to its secretary for the admirable work it has done in this direction. They have established a large Institute and Training College for teachers. I would point out that this measure will act as a feeder to establishments of this kind, and that it should be directed, not to cause any injury to such institutions, but rather to supplement their efforts by feeding them with the best class of scholars we can get. The question that arises is this—Is it not worth our while to make an effort in this direction, seeing how much has already been done in this country? Is it not worth while for us to make an effort to give our youth the benefit of that technical education to which they may have to look for much in the future; and in regard to the support that they may get from the institution that I have named and the grants that they may win there, it is not worth while to make a sacrifice for that purpose? Then I should like to refer for one moment to Clause 3 of the Bill, which is a clause which provides for an appeal to the ratepayers in case of a resolution being passed in the locality for the adoption of the Bill. Before I determined upon introducing the Bill a great difficulty arose in our minds in this respect. I saw it was impossible to carry out the provisions of such a clause as this in the Metropolis. Well, I had the honour to meet a number of Metropolitan Members from both sides of the House upon this matter; and the conclusion we have arrived at with something like unanimity is—and I propose to insert this provision in the Bill—that at the end of Clause 2, page 1, I should insert—

> "Provided that the Local Authority shall not incur any expense on the erection and enlargement of any school building for the purpose of this Act until after the date of the election of the Local Authorities next after the passing of this Act."

It is obvious when you come to bricks and mortar that a large expenditure may be incurred, and the ratepayer may be fully burdened already. The point is, that no such work as that shall be done until an appeal has been made to the local ratepayers. I know that much objection is made to this clause by the other side, and that it is generally desired that this provision which I have read in connection with the Metropolis should be extended to all districts that come under the operation of this clause. In my opinion, the clause will work well. The scheme under the Bill is one which must be of very slow development, and what I want to do is to make the measure operate in such a way that full and ample notice shall always be given to the ratepayers to enable them to consider and discuss the matter before the Bill is put into operation. I believe that when a proposal under the Bill is made and has been fairly and frankly discussed amongst the ratepayers they will be able to come to a decision upon it when next the Local Authorities are elected. There are other provisions in the Bill to which I would refer, such as this establishing classes in existing buildings. I propose that if the ratepayers should demand that a decision or poll be taken the ratepayers so demanding a poll should provide adequate security for the cost of such undertaking. It may be that I take a sanguine view of the matter; but from all the study which I have been able to give to the question, and from the knowledge I have been able to gather with regard to it, I believe that the expenditure in cases where the schools will be established in existing buildings will be so small that in no case will the poll be demanded. I, however, make this proposal—that if a poll is demanded those demanding it shall give security for the cost of it.

MR. RATHBONE (Carnarvonshire, Arfon): Do we understand that that is to be previous to the vote of the Governing Body or afterwards?

SIR WILLIAM HART DYKE: I will answer that question presently. I should like to say one word with reference to an Amendment on the Paper in the name of my hon. Friend the Member for the Oswestry Division of Shropshire (Mr. Stanley Leighton). I do not know if I am in Order in doing this; but, if I am, I will proceed. I do not think the hon. Member gives sufficient credit to the permissive character of the Bill. I do not think it can be urged that the Bill does directly involve a charge on the rates. I think the word "may" may be here inserted. This measure is absolutely incomplete as regards its operations, and I am rather inclined to take credit for that than otherwise. There is a desire that we should proceed gradually as this is a new proposition; and I must say I cannot think it any disadvantage to be shut out from the Bill for twelve months or so until they have seen how it works elsewhere. In some places the measure would apply to a comparatively small number of children. As an experiment it is absolutely restricted to those children who have passed Standard VI.; and here I may say that, though I have been urged to lower the standard required in the Bill, I have felt myself unable to do so. I think that to take that course would produce nothing but disaster. It would make this at once a very expensive measure. I repeat that it is an experiment, and that, as such, it is absolutely restricted as I say. I regret that this Bill does so little directly as regards the training of our agricultural children; but I know for myself, speaking as a distressed agriculturist—not only as a landowner, but as an unfortunate farmer, and I believe many hon. Members who sit behind me will join me in this statement—that what we want in the training of our agricultural children is not so much the sort of training they would get under this Bill as the kind of training they would get on model farms. They require a practical training. I regret that this Bill does not afford a practical training for agriculturists; but I do not know that the fact that it does not do that is a reason why agriculturists should reject it. What would be the result of applying the Bill in agricultural districts? I admit that it would be difficult in every isolated district for the Bill to apply, for the simple reason that the material is not there to carry on the schools. You would not be able to get a sufficient number of children in Standard VI. to fill the schools. But when the Local Government Bill is passed, then will be the time to extend this measure to all the districts throughout the country. I contend, however, that when it is applied, it can only be applied in this way. You will have to collect your children from a considerable area, and when you have done that you will be able to train your agricultural children in the principles of agriculture. There are syllabuses for training in agriculture in the United Kingdom, as anyone may see who looks into the matter. No apparatus will be required in these agricultural schools, all you will want will be the building, which you will be easily able to obtain, and after that your only expenditure will be in teaching. I venture to say that the grant received from the State, plus the school fees, will cover more than four-fifths of the expenditure. I admit that this theoretical training is not so much what agriculturists want; but, so far as the measure itself goes, the training will throw hardly any new burden upon the ratepayers. As for this question of model farms, I, for one, should certainly advocate their adoption; but I would remind my hon. Friends that a system of model farms would not be so cheap a system as that under the Bill. I would refer to two model farms which hon. Members know very well, as they are notorious ones. Take the farm at Glasnevin, the Albert Farm and the Munster Farm. Last year the net cost of these two farms was something like £2,671. Therefore, however anxious we may be to advocate this system of model farms, though, no doubt, the work could be carried out more cheaply than it is in these two instances, yet I would like to point out that when this measure is objected to as involving an addition to the rates, this sum of £2,671 spent on these model farms, if applied under the provisions of this Bill, would find, at 8*s.* per head, education for 6,678 children. Therefore, comparing the two systems, it is, I think, impossible to contend that the model farm system would not be a more expensive one than that system of training which I am asking the House to accept in this Bill. I have little more to say as to this measure. I have heard it adversely criticized, and I have heard, on the other hand, many urgent appeals made from all parts of the country that it should immediately be passed into law. It has, as I say, been criticized from various points of view. I am told that it is a Bill to establish free education. I do not know how that rumour ever gained credence, because one of the rules of the Science and Art Department which will administer this Bill especially demands that fees shall be paid. I am told by some that this Bill goes too far, and by others that it does not go far enough. I see it criticized most adversely in the journals devoted to the interests of the School Board; they say it aims at the destruction of the School Board system. I have heard the Bill criticized as being injurious to the voluntary school system. I can only say I have considered all these subjects most deeply, and I am, at all events, consoled in this—that it may possibly be that in this measure, which may be opposed from different points of view, we have struck the mean between the different contentions. Whatever the fate of this measure may be, I am certain of this—that the time cannot be long delayed when this question must be dealt with, although I know that this Bill may be adversely criticized as regards its unequal operation. I am quite certain that the acknowledged demand for this Bill must meet with great consideration at the hands of this House. It is long since we admitted that our industries were suffering most severely from the lack of industrial training on the part of our people. We have long admitted that, as far as our industries are concerned, we are practically fighting foreign countries with one hand tied behind our back, and that it is really time when we should see what we can do with both our hands. I admit the evil, and all I urge upon the House to do is to deal with the Bill in a practical manner, and to provide a remedy. I beg to move the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir William Hart Dyke.*)

Mr. STANLEY LEIGHTON (Shropshire, Oswestry): I congratulate the right hon. Gentleman on the speech he has just made. He said everything which could possibly be said in favour of the Bill. I had hoped his speech would have been such that I should have been able to withdraw the Amendment which I have put upon the Paper. I regret that the result of his speech, able as it has been, is otherwise. I regret I shall be obliged to move my Amendment in the interests of the artizans who want a Bill of this kind, and who see and feel that this Bill is inadequate, and in the interests of the ratepayers who are to pay for this Bill, and who know it is an unfair and unjust Bill. The right hon. Gentleman said perfectly truly that every Amendment which had been put down to his Bill declared the satisfaction of the Mover at the fact that this question was going to be taken up. Why, of course, I was glad the question was going to be taken up; I was glad the Government was going to take up the question of technical education; but I must say that I was amazed when I saw the Bill of the right hon. Gentleman. Now, Sir, I do not intend to make a local taxation speech. ["Hear, hear!"] You need not be afraid of that. I take it for granted that on both sides of this House, and especially at the hands of a Conservative Government, it is acknowledged that the incidence of local taxation is unfair and ought to be remedied. From the Government we have had nothing but fair words, and yet now, at the close of the Session, they bring down to us two tremendous Rating Bills. They, our own Government, pledged to relieve the ratepayers from the unfair incidence of taxation, have forgotten all their promises and their fair words, which are now transformed into very hostile deeds. Indeed, I almost fear that the prevailing epidemic has influenced the Members of the Conservative Front Bench, and that Members of the Government think that they have a right to change their opinion suddenly and abruptly. They have told us often they intend to see that justice is done to the ratepayers; but they have forgotten all they said. Perhaps next Session or the Session after they will do something. Let me cite a few figures to show the present position of the ratepayers. The ratepayers are now in the unfortunate position of owing £185,000,000, and the Local Authorities who manage matters for the ratepayers are now spending a yearly income of £55,000,000. These are big sums, £55,000,000 of expenditure, and £185,000,000 of debt. It is upon these Local Authorities the Government intend to place another burden. My right hon. Friend says this is a very small burden. Let me point to the precedent of the education rate. We were promised at first that the education rate should never go beyond *3d.* in the pound. It is more than *3s.* in the pound now in some places. There are some 1,800 places where the rate is over *3d.* in the pound, and there are only 200 places where it is under *3d.* If the rate for technical education begins very low it will soon be very big. We, who sit on this side of the House, are asked to shut our political eyes and open wide our political mouths. The right hon. Gentleman puts in food; but it is very indigestible—it is only half cooked. He has made no estimate of the effect of his Bill. I thought the right hon. Gentleman was going to tell us something about the cost of the education this Bill proposes to give; but he has not done so. All he has told us is that the apparatus in two instances he mentioned cost *5s.* per head per annum. But he has not estimated the number of persons whom he thinks will take advantage of this Bill. He has not told us what buildings will be required, nor has he taken the trouble to define the instruction which will be given. I distinctly asked my right hon. Friend the other day something about all these matters; and he told me, with that transparent honesty which is the secret of his political success, that he knew nothing about the cost, or the buildings, or the number of——

Sir WILLIAM HART DYKE: I really must object to the interpretation which my hon. Friend in his good nature has put upon my words. I never said I knew nothing about these matters. What I said was that these matters must be left to the localities; that the localities will have to decide upon the curriculum; and if that comes within the regulations of the Science and Art Department they would get a grant.

Mr. STANLEY LEIGHTON: At all events, the right hon. Gentleman considers that this Bill will not entail much cost. That is not the spirit in which to approach the great question of technical education. It is no trifling question as to whether we should maintain our industrial leadership. I think we ought to do something more than is proposed in this Bill, and in quite a different method, in order to maintain our leadership in the industrial competition of the world. This is a very big question. I do not venture to put it before the House as a question of no account, involving no expenditure. The right hon. Gentleman the Vice President of the Council thinks that perhaps 20,000 persons may possibly take advantage of the benefits of the Bill; but the Chancellor of the Exchequer—I mean the Chancellor of the Exchequer of the London School Board, my hon. Friend the Member for the Evesham Division of Worcestershire (Sir Richard Temple)—considers that 50,000 persons in London alone will avail themselves of the provisions of the Bill. Fifty thousand persons in London alone! My hon. Friend is a man of business and of figures. He says 50,000 persons in London alone will avail themselves of the benefits the Bill gives; but the right hon. Gentleman the Vice President of the Council thinks that not more than 20,000 persons in the whole of England will take advantage of the Bill. For my own part, I prefer to accept the opinion of so accurate a Member as the hon. Member for the Evesham Division of Worcestershire than the vague generalities of my right hon. Friend. My hon. Friend (Sir Richard Temple) thinks it will cost the London ratepayers about £175,000, and that the fees will amount to 70*s.* a-year for each scholar. The House will agree with me that 70*s.* a-year will exclude every artizan who is earning from 20*s.* to 30*s.* a-week. I think, therefore, I am justified in saying that the Bill is inadequate as regards the artizan, and that it imposes a very heavy charge upon the ratepayer. But, Sir, let us see what is required in Germany for technical education. This education costs £5 per head. In France the cost is £8 per head in the very lowest class, and it rises by four classes to £120 per head per year. £120 a-year includes 45*s.* for a bottle of wine for the mid-day meal, which is, no doubt, a piece of interesting information for those who advocate penny dinners out of the rates.

Mr. MUNDELLA (Sheffield, Brightside): Does the hon. Gentleman say the cost of technical education in German elementary schools is £5 per head?

Mr. STANLEY LEIGHTON: So I see from the Report of the Committee.

Mr. MUNDELLA: The hon. Gentleman is quite mistaken.

Mr. STANLEY LEIGHTON: I adhere to my figures. Now, what will be the effect of this Bill upon voluntary schools? My right hon. Friend the Vice President of the Council is very fond of telling us that he is offering a great boon to the voluntary schools, because, for the first time, he is going to allow voluntary schools to be aided by a rate. I am not quite certain that he will be able, in view of the opposition of his Friends on the opposite side of the House, to carry his point, because his Friends opposite particularly object to any aid being given out of the rates to voluntary schools. But, after all, what is the so-called boon worth to the voluntary schools? Voluntary schools will never get it, because it is to be given or withheld at the pleasure of Board schools; and do you think it is very likely that Board schools will give a rate in aid of voluntary schools which are in competition with them? Why, Sir, you might as well expect the Carlton Club to subscribe to the funds of the Reform Club, or the Reform Club to subscribe to the Carlton Club, as to expect a Board school to set up a technical department in a voluntary school. It is utterly and entirely impracticable; not a single penny will be given to voluntary schools from the rates. Practically, voluntary schools are excluded from the operation of the Bill; and what will be the result? A fatal blow will be struck at the voluntary schools of the country. Not only will a fatal blow be struck at these schools, but a fatal blow will be struck at the second grade schools—endowed and unendowed. Both these classes of schools will be knocked out of the running, and the cost of the education which they now give will be thrown upon the rates. Such is the position you have to face; and I should like to ask hon. Members whether they quite appreciate what the result to the rates will be if voluntary schools are abandoned, as I am perfectly certain they will be abandoned in five years, if this Bill passes? There are now, in round numbers, 3,000,000 educated in voluntary schools. According to the School Board standard, the cost of these children is a little over 19*s.* per head per year—about £3,000,000. £3,000,000 will have to be provided out of the rates if the voluntary schools are given up. In addition to that, the schools and schoolrooms will have to be provided by the School Board; and the cost of providing school accommodation is, according to the School Board rate, about £12 per child—say £30,000,000 in the aggregate. If you strike down voluntary schools you place on the rates an initial charge of £30,000,000, and a yearly charge of £3,000,000. I declare that this Bill, if it is carried in its present form, will strike a fatal blow at the voluntary schools of the country. These are the difficulties which we have to face. Now, is it necessary, in order to provide proper technical education, that we should place upon the rates this tremendous burden? The Technical Education Committee, in their Report, suggest—

> "That steps be taken to accelerate the application of ancient endowments to secondary and technical education."

Here is a way out of the difficulty. Use the means you have. Use the secondary schools, whether endowed or unendowed, in the country, and have in each one of them a class or department for the technical education of artizans. And then the same Committee made the additional suggestion—

> "The great national agricultural societies should give aid to the establishment in the counties of secondary schools for teaching agriculture."

That Commission did not forget the agricultural community; but my right hon. Friend has forgotten them. He has entirely forgotten that there are such people as agricultural labourers, and yet I thought my right hon. Friends who sit on the Front Bench had taken the agricultural labourers entirely under their own wing. Well, there are, as anyone can see who reads the Report of the Technical Education Commission, a number of schools doing exactly the work the right hon. Gentleman has described as the work we desire to be done. I want that work to be helped forward by grants out of the Consolidated Fund and not out of the rates. The axiom upon which we ought to go is the affiliation of our technical education to our secondary education, and not to our elementry education, and establishment of an artizan technical department in all the endowed schools. In that way we shall relieve altogether the rates, and we shall get a far better education. We ought, I think, to develop the means we have. We ought not to take a leap in the dark as it were. A Royal Commission is now sitting upon technical education, and I should like to know whether the right hon. Gentleman sent his Bill to that Commission and asked their opinion in regard to it? It is extremely important we should know what the Royal Commission think of the Bill of my right hon. Friend. The very questions which the Royal Commission propose to answer are—What, if any, technical instruction there ought to be in elementary schools; under what conditions rate aid ought to be given to voluntary schools; and what should be the relations between the Central and Local Authorities as to the kind of instruction and payment by results? We should be rather acting in a hurry if we pass this Bill before the Commission has reported. By this Bill we are turning the whole system of our education topsy turvy; we are destroying our system of voluntary schools; and we are destroying our system of second grade schools. I say wait until the Report of the Royal Commission. We are promised a revision of local taxation. Before you put any more burdens on the ratepayers let that revision take place. You propose by this Bill to place an additional burden upon the wages, upon the lodging, upon the food of the labourers and the artizans, and before imposing that burden I ask you to make the incomes of the millionaires liable to local taxation. Before you make the unskilled labourer pay for the education of those who are above him in the social scale, I think you ought to place the great incomes of the rich under a like liability. I beg to move the Resolution which stands in my name—namely—

"That while this House is desirous of seeing increased facilities for Technical Instruction afforded, it is not prepared to proceed with a measure which imposes a new charge on the ratepayers for that purpose, until such changes have been made in the incidence of local taxation as will secure the equitable contribution of all classes of the community to the rates."

COLONEL EYRE (Lincolnshire, Gainsborough): I beg the indulgence of the House for a few moments while I second the Amendment which has just been proposed by my hon. Friend the Member for the Oswestry Division of Shropshire (Mr. Stanley Leighton). Representing as I do a large agricultural constituency, the line I particularly wish to take has reference to the effect of the Bill upon the incidence of local taxation. I have no objection whatever to that part of the Bill which relates especially to technical education—indeed, I would go a little bit further than the Bill; I would even make technical education compulsory on a certain condition. The condition should be that if the nation has to benefit, as I believe it will do, by technical education, the nation ought to pay the whole of the expenses. It seems to me that it is unjust that in the case of a national question, and one of great interest like this, local interest should pay more than its share towards what the whole of the nation benefit by. The laws of our country for many years past have been in the direction of forcing a considerable sum of money directly into the land. Trustees, and especially the officers of Friendly Societies, have been limited in their investments. They have been obliged to invest their money either in Government security, savings banks, or mortgages upon land. Any additional tax you put on land will, to a certain extent, injure the investments of the Friendly Societies I have mentioned. I am quite ready to admit it may be in the smallest degree. Let me call the attention of the House to the enormous sums of money which trustees or officers of Friendly Societies are at this moment investing in mortgages. The Nottingham and Manchester Unity of Oddfellows have a capital of about £13,000,000, which represents the savings of all the poorest classes of the community. Of that £13,000,000, considerably over half is invested in mortgages on land. I understand that by this Bill you wish to benefit the poorer classes. What are you doing? You are making a fresh mortgage on land by forcing technical education on the local rates. Every additional taxation that you put on land will more or less injure the securities in which the working classes have invested their capital. I maintain that wherever there is great national benefit the nation should pay for it, and this technical education will be of enormous advantage to the whole nation. Not only that, but I believe it will be of special advantage to the agricultural interest. I believe it would be far better for many young children if they were learning practical and technical education in the fields at the present time than to be wasting their time learning lines of Latin and other subjects that can never do them any good—[*Laughter*]—hon. Members below the Gangway opposite may laugh; but perhaps they are not—I hope they are not—so well acquainted with agriculture as I am; but I know it is with the greatest difficulty that agriculturists can get any one of the ages of 14 and 15 who is able to be of any use to the farmer in assisting him upon the farm. In former times it was different, and a child lost nothing by it in health or ability, or even in education. I do not wish to occupy the attention of the House any longer. I have placed before the House the point which I maintain—namely, that this is an additional tax on land, and whatever the nation benefits by it it should be paid for nationally, and not locally.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "while this House is desirous of seeing increased facilities for Technical Instruction afforded, it is not prepared to proceed with a measure which imposes a new charge on the ratepayers for that purpose, until such changes have been made in the incidence of local taxation as will secure the equitable contribution of all classes of the community to the rates."—(*Mr. Stanley Leighton.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): I hope the House will excuse me for intervening for a few moments at this early stage of the debate between those who wish to speak upon the general effect of the Bill. I am anxious at once, on behalf of the Government, to correct a few of the misapprehensions which I gather from the two speeches we have heard exist as to the effect of this Bill. Now, it has been argued, and especially by the hon. and gallant Member who has just sat down, that this would be a tax on the land. I think I shall be able to show that the land need bear no share whatever of the burden that may be imposed by this Bill; but that, on the contrary, the point which is urged by the hon. and gallant Gentleman and also by my hon. Friend who proposed this Amendment—namely, that the contribution should come from national funds—would be more detrimental to the agricultural interest than the proposal contained in the Bill, and for this reason—that the agricultural interest contributes to the National Revenue in a large measure, and the burden upon those who pay the taxes upon land would be increased if the whole of the cost of this Bill should come out of national funds rather than out of rates. I would urge upon all hon. Members who object to any increase in the taxes upon land that this Bill is entirely voluntary in its operation, and that it will only be applied where the representatives of the ratepayers think it would bestow an advantage to the population. I am bound to say I think this Bill will have little operation in agricultural districts. Let us assume for a moment that the effect of this Bill will be what I expect it will be—namely, that it will be adopted in large towns and not in agricultural communities—what would be the result? Why, the rates would be paid by the towns, and not one shilling would fall upon the agricultural districts. How much more would it be against the interests of the agricultural community if these technical schools, founded in towns for the benefit of the manufacturing community and the industrial classes, should be supported out of the National Exchequer, to which the agricultural classes contribute largely? I own it seems to me more just that those classes who will derive benefit from the Bill should be taxed, rather than the whole population, including the agricultural community, which is not likely to derive any benefit from the Bill. If the Bill were such that, while its benefits were confined to certain classes, other classes suffering greatly from depression were called upon to contribute to the cost of these technical schools in any large measure, I should say it was an unjust Bill, and that the whole of the financial arrangements would have to be revised. But as the Bill is drawn it appears to me the main point is this—that if a community thinks the Bill will be of advantage they can charge themselves to carry it out; but that other portions of the country which do not think it desirable to come under the operation of the Bill will not be charged, and in that portion of the country where the number of children are not forthcoming to render it desirable to inflict this charge the people go scot free, and will not be called upon to contribute to the expenses of the Bill. If that be so, would it be wise on the part of any portion of the country to resist a measure that would promote the prosperity of any other portion? I am sure no Member on this side of the House would wish to contend that there is not the greatest solidarity between the interests of the industrial classes and those of the agricultural classes; and if by this Bill we should enable the manufacturing and industrial classes to compete more successfully against the industrial classes of other countries, not only would our commercial and industrial classes benefit by it, but the agricultural classes of the whole country would have their full advantage from the greater development of our commerce and industry. If we can establish, as I believe we can, that the weight of taxation, the comparatively small addition to the public burdens will not fall on any part of the country that does not elect to secure the direct advantages of this Bill, I think we may all unite in giving these optional powers to those great centres of industry which so much desire them, and which are content to come under this Bill. As the Bill is drawn, I do not believe the rate in any single agricultural district could be increased, unless, indeed, it should be found that any particular agricultural community thought it could establish schools from which direct advantage might result to the agricultural class. I am prepared, on the other hand, to admit to the full that if this Bill is passed the advantage that will accrue from it establishes a serious claim on the part of the agricultural community to call for similar measures in their own interest for similar development of whatever particular education may best be to the advantage of that community. It is not, perhaps, by the education of agricultural children after this fashion that you will be able to promote better farming, or that higher education of the kind now contemplated will directly affect agricultural interests. We may have to provide other measures. But the House, I am sure, will be under a heavy obligation to the agricultural community, if it passes this Bill to assist the industrial and commercial community, to pass similar measures, when called upon, in order to promote whatever form of education may best advance agricultural interests. On behalf of the Government I have to say that, while we promote this Bill, which we believe to be urgent and necessary in the present industrial condition of the country, we shall be perfectly prepared to examine hereafter in what way the agricultural community can best be served by further educational changes, by the establishment of Colleges or by such other arrangements as they may think necessary for promoting better agricultural knowledge and better farming throughout the country. That is a pledge we cheerfully undertake to give to those interested in agriculture. Then, Mr. Speaker, let me point to some—that I may call without offence—exaggerations in the speech of my hon. Friend who moved this Amendment. We have carefully considered the number of children who may derive some advantage from the present Bill, and I was startled to hear the figures to which my hon. Friend alluded, because we know the maximum number, though not the minimum number, of children whom it may affect. We know the maximum number of children who can derive advantage from the Bill are those who pass the Sixth Standard.

Mr. STANLEY LEIGHTON: Or examination equivalent thereto.

Mr. GOSCHEN: Yes; but the children who reach Standard VI. cannot be multiplied indefinitely. We trust there may be an ever-increasing number; but the number of children are not there—they are not in existence—who would be able to pass the examination as suggested by my hon. Friend. What is the number of children who pass the Sixth Standard in England and Wales in one year? Scarcely more than the number my hon. Friend assigned to the Metropolis alone. Sixty thousand children passed the Sixth Standard in England and Wales last year; but those 60,000 were not all boys. If half of them are taken to be girls, or I will give an outside figure and say there are 32,000 boys, that reduces the number considerably below the formidable figure mentioned by my hon. Friend. Of these 32,000 boys who pass the Sixth Standard in one year, there are a large portion who do not belong to the industrial and commercial classes at all, but who belong to the agricultural districts, and many of them will be scattered throughout the country, and will settle down to agricultural or other pursuits, which will not lead them to avail themselves of this higher technical instruction. The estimate of the Science and Art Department, who have great experience in the matter, is that they do not consider there will be more than some 4,000 boys who will ultimately avail themselves, under the present system, of the advantages of the Bill, and we have some guide as to the number by estimating the statistics of Manchester and other large towns. But, of course, this is for one year, and we must multiply that by the three years they will be under this additional training, and the estimate of the Science and Art Department is that at present some 12,000 boys would probably avail themselves of the arrangement made in every three years. Those figures have been carefully worked out, in order to supply that which my hon. Friend was justified in asking for—namely, the kind of number that might be expected to take advantage of this Bill. The House will see it is far from the formidable number alluded to by my hon. Friend. Perhaps my estimate may be under the mark, and I do not disguise my own opinion that I should be glad if there were a larger number of boys who would avail themselves of this technical education. I should be glad if they rose from 12,000 to 20,000 and more; but if they do, I venture to repeat that they would only be admitted to the benefits of the measure on the distinct resolve of the ratepayers themselves. We are not laying upon the ratepayers any compulsory expenditure, and I should be glad to associate myself with those who see in this direction constantly increasing danger, and who are anxious to keep down the alarming amount of rates which is assuming proportions which rival the heavy Imperial taxation of the country. But in this particular instance we are not imposing rates on any Union, upon any School Board, upon any Town Council, or upon any Local Authority, that the ratepayers themselves do not desire to see this charge imposed upon; and hon. Members will have seen from the speech of my right hon. Friend the Vice President of the Council that we propose to surround the adoption of this measure with every precaution, so as to secure that the ratepayers themselves shall have the matter in their own hands; that no surprises shall be sprung upon them; that they shall have ample opportunity to make up their minds. I perfectly appreciate the anxiety that exists with regard to the question; but though I do not know what my hon. Friend behind me will say to it, I repeat what we have repeated before for so many years—that although our hopes have been disappointed, we do in the next Session of Parliament, and I trust in the first months of the next Session of Parliament, intend to deal with the question of rating, and revise that system which has given rise to so many heartburnings, and which is presumed to involve so much injustice. We shall deal with that question; but, in the meantime, I trust no action will be taken to retard this optional Bill through the fear, which, I think, is delusive, that there will be an increased burden placed upon agricultural communities. Do not let us, on that account, retard what we believe a national advantage—namely, the improvement in technical training of the artizans of our industrial and manufacturing towns. We ought not to prevent them from making use of these arrangements which are entirely optional, and which otherwise could only be obtained at great expense. If this were a Bill which throughout the country was going to increase the rates, I should say Her Majesty's Government ought not to propose it; but in the form in which it is proposed we believe it may safely be adopted, and that the ratepayers need not be afraid of it, while, at the same time, it may satisfy a need that is generally admitted to be urgent, and which has got the sympathy of the great majority of the people of the country.

Sir RICHARD TEMPLE (Worcester, Evesham): Sir, I hope that, as being connected with elementary education throughout the Metropolitan area, I may be allowed to say a few words in defence of this Bill, and to explain those formidable figures that have been, not quite correctly, attributed to me. I hope to show in a few words that this measure is educationally sound, and financially safe as regards the ratepayers. I would ask my hon. Friends who sit around me to consider what is the object of the Bill. It is to enable the Local Authority to provide technical instruction with part of the moneys raised by any district local rates. And why is it necessary to give this enabling power? Because these Local Authorities have constantly been endeavouring to apply a portion of their funds to this most important national object, and have found such application to be illegal. I speak from painful experience, as I and my colleagues in the finance department of the School Board of London have several times tried and been stopped by the Auditor of Public Accounts. I would ask my hon. Friends around me to remember this Bill is only to enable, and not to compel, and is to be administered by the Local Authority. And what is the Local Authority? Why, it is the School Board. These School Boards are answerable to the ratepayers, being elected triennially by them; we are really the creatures of our masters the ratepayers. I speak feelingly, as we shall all have to give an account of our stewardship next November 12 months. I ask my hon. Friends who sit around me, and who are so alarmed about this measure, to consider whether it is likely, or even possible, that the School Board for London, or for any other great industrial centre of the country, would dare to go contrary to what they knew to be the wishes and feelings of the ratepayers? I am quite sure that if they ventured to do so they would not have long to remain in office, as they are elected triennially, and an election must come in a few months. This measure will only be called into effect if the ratepayers on the whole desire it, as I earnestly hope they will; therefore I, for one, believe it is not necessary to have what is now known as the *plébiscite* arrangement. My first care, when I heard of this measure, was to ascertain from my right hon. Friend the Vice President of the Council that this *plébiscite* arrangement was not to apply to the Metropolis. Being secure of exemption ourselves, I am sure we hope all our brother and sister towns may be equally exempt. I hear now from my right hon. Friend the Vice President of the Council that we are not to build any new buildings until after the next election. As regards London, I think I may venture to say that would not be complained of; because, if this Bill were now to pass into law, I trust we should be able to give accommodation in all those 400 magnificent buildings we have in various parts of the Metropolis for what may be called the initial classes of technical instruction under this Bill. Therefore we should not need any new school building until after November 12 months, the *dies iræ* of the members of the School Board. But I venture to point out that by this arrangement the erection of new buildings will be sure to be one of the election cries in November 12 months; and, looking forward to that dreadful day, and knowing how many election cries there will be all over the Metropolis, I am sorry to anticipate that we shall have still one more cry. But, if it must be, we submit; though, at the same time, I do hope it will be found possible to exempt us from this condition, as we have been already exempted from the other condition. I am anxious to point out to my hon. Friends around me that the cost of this technical instruction is to be defrayed from the local rates, as set forth in Clause 4. I have heard sometimes there is to be a separate rating; but my hon. Friends will perceive that that is not the case. There is not to be any separate rate whatever. The cost is to be defrayed from the local rates, and that means the rates now levied in all towns in the country for elementary education. Therefore, the expense of the technical instruction will be mixed up with the rest of the expense of elementary education; and if the administration is prudent, the School Boards ought to save some portion of their own expense; and if they are careful to recoup themselves as much as possible by fees I hope that this new expense will not be appreciable—perhaps it will hardly be felt at all. Thus there ought to be no additional burdens on the ratepayers. I must remind those who feel nervous about this that it will apply to those children of the better classes whose parents are well-to-do, and who will be able to pay the fees. I am sure all London know I can answer for the School Board here that we shall do exactly as much as we can; and I have no doubt that our colleagues in Birmingham, Manchester, Liverpool, and elsewhere, will do the same. Therefore, it is not correct to say this measure proposes to give free technical instruction to the masses; it is nothing of the kind. There will be no cases on the free list, otherwise than in a few incidental cases of youths of exceptional genius and talent, who would be selected by examination, and who may obtain access either free or at a very low fee. It is only those children of extraordinary talent to whom we wish to give a chance to rise and achieve distinction through their own industry; it is to them alone that anything like free education will be given. I am again anxious to point out that my remarks hitherto have applied to School Boards; but School Boards are not the only institutions that are to benefit by this measure. The voluntary schools are to benefit in an equal degree, and to those of my hon. Friends around me who doubt that I would refer particularly to Clause 4 of the Bill and its various sections, which lay down, as specifically as possible, that these funds are to be applied to other schools besides those under the School Board, and that means the voluntary schools. I confess I have listened with the greatest pain and apprehension to the remarks of my hon. Friend the Member for the Oswestry Division of Shropshire on this subject. He seems to think there is enmity between the School Board and the voluntary schools. I venture to affirm there is not. Why, Sir, it is quite the contrary in the Metropolis. The majority of the present School Board for London are distinctly favourable to the voluntary system, and were elected upon that ground after election pledges having been given. I can answer for myself, and several of my colleagues, that the promotion and prominence of the voluntary system of education is among the dearest and nearest of our hopes; and yet we are told, if we have to apportion a part of these funds to the voluntary schools, it will be done in a grudging spirit. Why, Sir, I cannot imagine anything more contrary to the fact. It will be our duty, as well as our pleasure, to take care that the benefits of this measure shall be meted out to the voluntary schools equally as to our own schools. It will be our clear legal obligation to do this under Clause 4; and if there should be the slightest doubt as to the extent and stringency of that obligation, I entreat that words may be inserted in Committee that may make this absolutely certain according to legal phraseology. As I have already pointed out, only a small portion of the children in the voluntary schools have passed the Sixth Standard, and this measure could only apply to them. Supposing, then, that the voluntary schools were to send their children to our schools for technical instruction, instead of receiving a portion of the funds from us—that is to say, if they prefer to come to us, instead of receiving a subsidy from us—that at the best, or the worst, would only take a mere fraction of the 400,000 children who are happily in the voluntary schools of London. Therefore, I can assure my hon. Friends that this idea of injury to the voluntary schools can be described by nothing short of the common term "bogus." Then I must point out that this instruction is not to be given to everyone, but only to those children who are fit and able to avail themselves of its advantages. Therefore I, for one, was very glad to perceive that it is provided in the Bill that no child shall be eligible for this instruction unless he or she has passed the Sixth Standard. That was the Standard that occurred to me and several of my colleagues on the London School Board before we heard of the introduction of this Bill. I know it will be said that the Sixth Standard is too high. It appears that some of my hon. Friends on the other side of the House think that the Fifth Standard is high enough. But I would commend to their attention the potent argument used by the Vice President of the Council in favour of the Sixth Standard. We must not make the benefits of this scheme too common; and when I speak of Standards, may I direct attention to the figures attributed to me by the hon. Member for the Oswestry Division of Shropshire? I am answerable for having written of 50,000 children as likely to come under this scheme of technical education. But when I did so, I was speaking of what might ultimately happen not in the dim and distant future, but in a future removed by unknown years from the present time. I have here the paper from which these figures were taken; and I find what I wrote was this—that we hoped soon to have 10,000 scholars in the Sixth Standard in London, that that number might rise to 20,000, and ultimately it might rise to 50,000. That was presented to the House, no doubt, in perfect good faith; but still in quite a different way by the Member for the Oswestry Division of Shropshire (Mr. Stanley Leighton). Now, I have one more point to submit to the House, and that is this—that this instruction is really to be scientific, although elementary. And when the hon. Member for the Oswestry Division says that this is indefinite, I would refer him to Clause 8 of the Bill, which lays it down that technical instruction consists of those branches of Science and Art which are prescribed by the Science and Art Department; and those who refer to the Rules and Regulations of that Department may find out immediately what those branches are. And as for me and my colleagues not having thought out what we mean by technical instruction, I would refer to the fact that we have drawn out a curriculum, accompanied by a time table. Those who know anything of these matters will know that, having done this, we have worked out the scheme to its ultimate details. This scientific instruction is to be separate from the manual and industrial instruction which is sometimes spoken of by some of my hon. Friends. Of course, this manual and industrial instruction is co-ordinate with and auxiliary to technical instruction, but it is a very different thing, and at our School Board it is never spoken of as technical; it is called manual, which is a better and a more accurate name. I regret that the benefits of this measure do not extend to the agricultural constituencies, one of which I represent in this House. But if the benefits of this measure do not accrue to them, neither need they be under any apprehension of having to bear its burdens. Still, I think that technical instruction is as much wanted by the rural as by the urban population, and I hope that if we now have this measure for the towns we shall hereafter have a sister measure for the counties. I hope that if my Colleagues in the representation of the counties will now help us to pass this measure for the towns, that when the time comes we shall help them to pass something as good or better for the counties. One word before I sit down with regard to the School Board for London, with which I am connected. I believe that it is a magnificent organization; that it has excellent buildings, and a highly trained staff; and though I do not presume to speak in its name—no one can exactly answer for the Board—I can answer for myself and some of my colleagues, that the Board generally is animated by the sincerest and heartiest desire to do its best for this noble cause of technical instruction, and is anxious, in conjunction with the voluntary schools, to see that there shall be established in this Metropolis a system of technical education worthy of the greatest manufacturing centre in the world.

Mr. MUNDELLA (Sheffield, Brightside): I feel that we are conducting this discussion under the greatest possible disadvantage in having to deal with this great and important question at nearly an hour after midnight. It is impossible for us adequately to discuss the question under consideration at the present moment; and it is also a great disadvantage that the country cannot express its opinion on the subject. Still, I am not going to quarrel either with the time or the opportunity that presents itself to take a step in advance in the direction of technical education. Since I have been in the House I have been always ready to accept any measure advancing the cause of education from any Party, and also under any circumstances. I am anxious to give my support to this measure, although it has some features which are very repugnant to me, which I think to be unnecessary, and which I am sorry to see coupled with education. I acquit the Vice President of the Council of the authorship of Clause 2. I believe it has not been imposed by the Vice President on us, but has rather been forced on him; and after what he has said to-night I hope that the measure which he considers sufficient for the Metropolis will be regarded as sufficient for the country. We do not ask more than that we should be put in the country on an equal footing with the Metropolis, and we shall not accept less. Indeed, rather than accept less, I should prefer to see this measure postponed to another year. [Mr. Jesse Collings: No, no!] I am astonished that an hon. Gentleman, who is the champion of municipal rights, should be willing to put all the enterprizing towns in the North of England in a worse position than the whole of the Metropolis and Scotland. I will not be a party to that, nor do I believe that the Government can desire it. I think, indeed, that the Vice President has to-night sketched out a plan as applicable to London which may also be made applicable to the whole of England and Wales. Now, I must say that I should like to have heard something of a higher tone pervading this discussion. I was sorry that the Vice President of the Council felt obliged to adopt almost an apologetic tone, and the Chancellor of the Exchequer a persuasive one, in order to induce hon. Gentlemen opposite to adopt this measure. What are the facts of the case? You have had a Royal Commission sitting for three years, and investigating all the systems of technical education throughout the world. They have reported that our industries are suffering grievously, because we have hitherto neglected technical education. But, beyond that, you have had another Royal Commission on Trade Depression presided over by the late Lord Iddesleigh, and that Commission has also reported that one of the gravest causes of trade depression is that we have allowed ourselves to fall into the rear in matters of science and art and technical education. I should like to quote from one of the last speeches of Lord Iddesleigh delivered in December last. He said—

> "Depend upon it that our rivals on the Continent—if we are to look upon them as rivals—will press us hard. They are advancing very fast, and the supremacy of Germany particularly is now beginning to make itself felt. Nothing can be more remarkable than to see that German energy, which displayed itself so conspicuously in the Franco-German War, is pushing forward in every direction, and is absorbing, to a very great extent, all the avenues to industrial greatness and power."

That was a speech which Lord Iddesleigh made in December last; but the last speech he made was even a stronger speech on this question than the one I have quoted. I will refer to one passage in it, in which he said that—

> "Parenthetically he might remark that, having been himself for the last two years engaged in the conduct of a Commission which was to inquire into the condition of trade and agriculture in this country, he had had very strongly impressed upon him as Chairman—as it had also been very strongly impressed upon his Colleagues—the very great importance of extending and improving the technical education of the people of this country."

Lord Iddesleigh then went on to argue, in the most forcible language, that it was of the utmost and the most vital importance that we should not delay dealing with this question. Then let me remind the House of a speech made by the noble Marquess the Member for the Rossendale Division of Lancashire, in which he spoke of the vital importance of not neglecting this question. Professor Huxley, in a letter to *The Times*, said, too, that—

> "The organization of industrial and commercial education is not the least of these great problems. That it has to be solved, under penalty of national ruin, proves to be no mere alarmist fancy."

I believe this to be the case. I have advocated the cause of technical education for 30 years, for I have seen how, slowly but surely, year by year, and step by step, the Germans, more than any other nation, have made advances, solely through the superior instruction of their people. I wish I could impress on the House what the Germans themselves feel on this subject. I have here one of the latest authorities, the work of Dr. Conrad on German Schools and Universities, which is preceded by a preface written by my hon. Friend the Member for South Aberdeen (Mr. Bryce). What does he say? He speaks of the effect of this education in its bearings on the national economy, and says—

> "It is at present with our working class in general as with the individual soldier in our present system of war; there is in both cases much greater scope than formerly for independent thought and action. From knowing only the new state of matters, we have lost the standard for estimating the greatness of this change, and an idea of it can only be formed by going back with the elderly people among us to former decades, or by a comparison with different countries. The present writer has directed special observation to this point, and has established the superiority of the German as compared with the English workman. No doubt, the Englishman, by his enormous perseverance, and his wonted diligence and sense of order, gets through considerably more work in the sphere of action to which he has been long accustomed; but he is far behind the German in capacity of adapting himself to new circumstances, and in executing on his own reflection and independently a complicated task. The same feature is noticed as well among artizans as among factory workers, and we have been repeatedly confirmed in our opinion by large English employers of labour who know Germany well and by German workmen who had lived for years in England. This, however, is only the result of the better and more general training which our working class obtained in our schools, and especially in the better class of our lower burgh schools. An increased attendance at these, therefore, is in general to be encouraged."

And then he goes on to show how their artizans are excelling ours. I have myself seen, as a consequence of the adoption of technical education, not only the increased facility of German workmen, but their increased adaptability in the development of new trades and diversities of industry—a matter of still greater importance, and one of greater importance to this country than to any other country in Europe. I hope that we shall all agree that this is a question of vast importance. ["Hear, hear!"] I accept that cheer as an indication of general assent; but why, then, did the hon. Member for the Oswestry Division of Shropshire talk about the incidence of taxation, and the propriety of putting off the question of technical education until the question of the incidence of taxation is settled? I should myself be glad to see that question settled soon; but I think that when it does come on for settlement it will be found that there are some things not so pleasant to do as to talk about. There will be some such people who will then have things brought home to them—if the subject is dealt with in a proper manner—in a way that they have not yet realized. But when hon. Members talk of local taxation, they should remember that the Chancellor of the Exchequer gave £250,000 out of his Budget for the relief of one class of local taxation. I venture to assure the House that 10 per cent of that amount will, for the next few years, be sufficient to pay the drafts on Imperial taxation under this Bill. I wish, indeed, that instead of 10 per cent it might be 50 per cent. If it were the larger sum, so much the better. Let us have the courage of our convictions. Do not let us shirk this matter, if it be, as I believe it to be, vital to the interests of the country. If that be so, are we going, as Professor Huxley said, to spoil the ship for a half-pennyworth of tar? Are we going to let the matter fall into arrear as hitherto? Take the matter of modern languages. We have allowed the people of other countries, and especially the Germans, to become our intermediaries in commerce, because we have neglected the teaching of modern languages. What are the Government about to do for the teaching of modern languages? I suspect they are not going to give a farthing. Modern languages are not included in the curriculum of the Science and Art Department. And there is nothing in this Bill that authorizes the grant of a farthing for modern languages. I hope, however, that they will soon be included in the curriculum. The grants under this Bill will be wholly inadequate, so long as they are confined to the subjects included in the curriculum of the Science and Art Department. We want grants not only for abstract but for applied science. If, for instance, you want to encourage proficiency in dyeing, you must give us a dyeing grant, and so on. The hon. Member opposite talked about this kind of education costing £5 a-head in Germany. [An hon. MEMBER: Five marks.] No; it is over that. But the whole cost of the education of a pupil for a year in a German *real schule* is only 76*s*., 38*s*. of which is paid by the State. If, indeed, the hon. Member was talking of the higher technical schools of Germany, such as those at Charlottenburg, at Aix-la-Chapelle, or at Zurich in Switzerland, then, no doubt, the expense might be higher. And when I mention Zurich, let me remind the House of what was done by the Swiss at Zurich. A Member of the Swiss Diet applied for a reduction of the grant to the University of Zurich. An independent inquiry was ordered, and the result of it was that the Federal Parliament increased the Vote, and at this moment £20,000 per annum is given as a Federal grant to the University of Zurich, because, as the Swiss say, "it has paid us well." And it has. Because it has converted the Swiss from being a nation trading only in the flesh and blood of their people as mercenary soldiers into a great industrial and trading nation, and that, too, although they were without either a harbour or a mine. Let me now pass on to another point, and tell the hon. Member for the Oswestry Division that there is no danger that this Bill will injure the voluntary schools. We have for some time had a school at Sheffield giving technical education of good quality. At Manchester there is a school which gives excellent technical instruction. Indeed, there is a better laboratory there than at many a University. Well, has the school at Manchester; has the school at Sheffield; has the institution given in either of these schools injured the voluntary schools? No; on the contrary, there are scholarships under which those pupils who pass the Fifth Standard can enter these schools, and through those scholarships the children of the voluntary schools as well as those of the board schools enter these technical schools. I should not have thought that scientific teachings could have been made matter of sectarian difficulty. I hope the hon. Member for the Oswestry Division will dismiss from his mind this fear of injury to the voluntary schools, and that the hon. and gallant Member for the Gainsborough Division of Lincolnshire (Colonel Eyre) will equally do away with the idea of this measure diminishing the security for mortgages on land. The Vice President has spoken of the measure as one to increase the powers of the Science and Art Department. Well, I am afraid it will not enlarge their powers much in the way of making grants. I had hoped that the Government would have shown that they care enough for technical education to give us something out of the national funds to stimulate and develop local efforts. It is not fair that they do not do so. Still I will take the measure, in the hope that they will soon give grants for all the subjects taught in the technical schools. Now, there is something to be said about the cost of the technical education to be given under this Bill. That cost must necessarily be small, because it is confined within very narrow limits. You are not setting up great and important institutions, but are simply allowing School Boards and Town Councils gradually and tentatively to feel their way to a system of technical education. There will be but a small expenditure, either of rates or grants, during the first few years that this experiment will be made. That being so, I think the experiment might well have been made without raising any alarms, or introducing any difficulties as to the proposed *plébiscite.* Nothing has done so much injury to the Bill as the 3rd clause. Bradford, Nottingham, Sheffield, and other towns have threatened either to petition against the Bill on account of that clause, or, at least, to petition against the clause. And I would really ask the Government—"Is it fair that you should invite a conflict of opinion on a question where there should be no conflict?" You are creating a discussion—almost a sectarian discussion—on a question on which there can be no difference of opinion. And for this purpose you are inviting any 50 ratepayers to call for a poll of the town, which they say would cost £1,000 at Bradford. You say that the fact of a poll being thus costly will act as a security against persons lightly resorting to it; but the truth is that the people who will call for a poll will not care for an outlay of £1,000 at the charge of the ratepayers. And what will be the result of this poll? You will by it get persons committed against technical education, and hereafter they will be against technical education. Why have this division? We are willing to take every security in the interest of the ratepayers; but why do you treat us in England worse than the people of Scotland, where you know that you dare not introduce this poll? Or why is there to be a *plébiscite* for the rest of England, while you do not introduce it into the Metropolis? Why, I ask, should there be a *plébiscite* for the rest of the country and none for the Metropolis? Does the right hon. Gentleman the Vice President of the Council (Sir William Hart Dyke) know that at this very moment in Sheffield, Birmingham, Newcastle, and Manchester, they are educating their children at much less per head than is the case in London, and yet a *plébiscite* is to be imposed on those who have worked the School Board system with economy, while it is not to be imposed on those against whom the authorities are constantly making the charge—I do not say they are making it justly—that they are working it by extravagant and excessive taxation? I say that the rule it is proposed to adopt in this matter is a most invidious one; and I will also tell the right hon. Gentleman (Sir William Hart Dyke) that, much as I value the step proposed to be taken by this Bill, nevertheless, if Clause 3 is to be allowed to stand on its present footing, I will put a Notice against the Bill to reject it on the Motion for going into Committee. I say it is not fair to deal with the Municipalities in this way, and to put them to all the expense that would be involved by the adoption of this clause. There would be nothing but bad feeling arising out of it, and it would be very unwise to force this state of things upon it. I will now leave this part of the subject; and I leave it to the good sense of this House and of the country generally, in the hope that the clause will be dropped at once. I next come to the question of the Standards. Why, I ask, is it that you propose to take the Sixth Standard in England, where the number of children who pass that Standard is lower than in Scotland, and the Fifth Standard in Scotland, where the number is much higher than in England? [An hon. MEMBER: The Standards are not equal.] I beg pardon; the Standards are equal; and I will warrant it that the boy who is able to pass the Sixth Standard in England would also be able to pass it in Scotland. In point of fact, if you were to apply the same tests to the Scotch schools that are applied to the English schools, you would find that you were putting the Scotch schools in a difficulty. We have screwed ours up more than has been the case in Scotland; and our Sixth Standard is much more, rather than less difficult, as compared with that of Scotland. Let me point out to the House exactly how this matter stands. What, let me ask, is the number of children presented, not passed, in the different Standards? The number presented in Standard II. is stated at 565,000; the number presented in Standard III. is 550,000; the number presented in Standard IV. is 454,000; in Standard V. the number presented is 265,000; while in Standard VI. the number presented is only 103,000. These figures, it must be remembered, apply to the numbers of children who are presented, but all of whom do not pass, and one-half of these are girls. Now, why should we not begin with the Fifth Standard in England as well as in Scotland, seeing that there are so few children who pass out of our schools in the Sixth Standard? The Government say that nobody shall receive technical education under this Bill unless he can produce a certificate that he has passed the Sixth Standard. If this be so, and you limit the operation of the Bill to those who have passed the Sixth Standard, the result will necessarily be that very few will have the chance of obtaining the technical education it proposes to confer. Why, 20,000 children passed the Fifth Standard in the course of the year. Why not let them have the opportunity of obtaining something in the shape of technical education, and of carrying on their literary education at the same time? They could not possibly pursue a course of scientific study, involving the writing of notes and the reading of text-books, without continuing their whole education; and as I think, therefore, it will be a deplorable thing to limit the technical education it is intended to give to the Sixth Standard, I trust that this House will be pleased to dispense with that limitation. The right hon. Gentleman the Vice President of the Council has, in the course of the speech in which he moved the second reading of this Bill, quoted to the House some of the recommendations of the Royal Commission on Education. I wish the right hon. Gentleman had had the courage to do what the Royal Commission suggested—namely, to put England on an equality with Scotland. What the Royal Commission recommended was that the Standards should be raised and put on an equality throughout the United Kingdom. You make Standard III. the minimum for half-timers, and Standard V. the minimum for full-timers in Scotland. One of the best educated towns in this country—Huddersfield—was only 20 years ago one of the worst. There the Standard for half-timers is IV., and for full-timers VI., and no difficulty is experienced either by the manufacturers or by the parents. You would confer an immense advantage throughout the whole of England if you would only have the courage to do something like this. I must apologize to the House for having spoken at such length; but I should have liked to have said a good deal more, for I have not said one-half of what I might have said had time been more propitious. But I do ask, with regard to this question of the Standard, and also as to Clause 3, that the Government should make some distinct pronouncement by which we shall be able to get rid of these two blemishes on the Bill, so that we then can all heartily support the measure, and help the Government, as far as we can, to do something for the benefit of the country.

Mr. CHAPLIN (Lincolnshire, Sleaford): I am sorry, Sir, to interpose in this debate; but in doing so I shall only occupy the time of the House for a few moments. I hope, therefore, the House will allow me to state, in as few words as possible, the grounds upon which I differ from my right hon. Friend the Vice President of the Council (Sir William Hart Dyke), and upon which I am induced to support the Amendment of my hon. Friend the Member for the Oswestry Division of Shropshire (Mr. Stanley Leighton). Now, Sir, I would ask the House to consider, in the first instance, what is the Amendment which has been moved to the Motion for the second reading of this Bill? It is this—

> "That while this House is desirous of seeing increased facilities for Technical Instruction afforded, it is not prepared to proceed with a measure which imposes a new charge on the ratepayers for that purpose, until such changes have been made in the incidence of local taxation as will secure the equitable contribution of all classes of the community to the rates."

Why, Sir, that is just one of those Resolutions—just, if I may say so, one of those old-fashioned, full-flavoured Tory Resolutions—which, I must confess, I myself and all my hon. and right hon. Friends now seated on the Government Bench have been in the habit of persistently and annually voting for during the last 18 years in which we have sat in the House of Commons; and I want to know why we are to change our course on the present occasion? The right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen) has told us to-night. He said, in answer to my hon. Friend behind me, that, in the first place, the land need not bear any share in the new taxes that are to be imposed under the operation of this Bill; secondly, that if the new taxes were placed on the Consolidated Fund, such a procedure would have the effect of injuring the agricultural interest far more than the provisions of this Bill; and, thirdly, that the Bill is a voluntary measure, and will, in all probability, have very little operation in the agricultural districts, the addition to the burdens of the agriculturists in those cases where the Bill might be adopted being exceedingly small. It is quite true, and I fully admit this part of the argument, that the land need not bear any further addition to its present burdens on the passing of this Bill; but the right hon. Gentleman the Chancellor of the Exchequer cannot for a moment deny that it may have to bear such additional burden, and that probably in many cases we may have to incur extra taxation of this kind. With regard to what he has said about the Consolidated Fund, my answer to the right hon. Gentleman is that, speaking as a Representative of the agricultural interest, we are perfectly prepared to take any risk that may arise under those circumstances. As to the imposition of only comparatively small burdens on the land through the operation of this Bill, the right hon. Gentleman himself cannot deny that there is, at all events, some danger of the agriculturists' burdens being increased as a result of this measure, and what we say is that we are not prepared to accept the risk of any additional burdens. It is precisely because there is a risk of that kind that we are with great regret compelled to oppose the Bill as it stands at present. The right hon. Gentleman the Chancellor of the Exchequer also held out to us a bait. He said—"If you give us this Bill to-night, it will become our duty in the next Session of Parliament to carry whatever measures in regard to the subject which may be deemed most to the interest of the agricultural party." The most effective reform in educational matters that I know of, as far, at least, as agriculture is concerned, would be this—that the sons of agricultural labourers, the boys who formerly used to work in the fields, should be allowed to go back to work in the fields at a considerably earlier age than they do at the present time. But this is really not a reform to which the Government or my hon. Friend would think of acceding for a moment; and therefore I must be allowed to say I do not derive any very great consolation from the promise the right hon. Gentleman holds out to us that if we will only accept this Bill we shall in the next Session of Parliament have an educational measure brought in that will confer great benefit on the agricultural interest of this country. And now, Sir, I desire to say a word or two in reply to the speech of the right hon. Gentleman the Member for the Brightside Division of Sheffield (Mr. Mundella). The right hon. Gentleman appealed to us on this side of the House to aid in passing this measure, as one of vital interests to the artizans and working classes of this country. We have no objection to pass this Bill, or any measure of the kind; on the contrary, we have every possible sympathy with it; we agree with the right hon. Gentleman that a measure of technical education would undoubtedly be for the benefit of the people of this country; but what we contend is, that this measure is intended to promote a national object and to serve a national purpose, and that consequently the cost of putting it in operation ought to be defrayed out of the national funds. The right hon. Gentleman (Mr. Mundella) contrasted what is being done in Germany with the system adopted in England, and pointed out that the technical education afforded in Germany is one of the reasons why that country is so rapidly catching us up hand over hand in her competition with us in the manufactures we send to countries all over the world. But the educational system is not by any means the only difference between this country and Germany. The right hon. Gentleman quoted Lord Iddesleigh. May I ask the right hon. Gentleman has he ever studied the Report of the Royal Commission on the Depression of Trade over which Lord Iddesleigh presided?

Mr. MUNDELLA: Yes, I have, and I quoted from it.

Mr. CHAPLIN: The right hon. Gentleman says he has studied it; and, that being so, I ask him did he not find another great difference between this country and Germany in this respect, that this great increase in their progress towards catching us up in regard to our manufactures has been accomplished by Germany under a system of Protection to which he would not for a moment agree——

Mr. MUNDELLA: I beg the right hon. Gentleman's pardon; the Report states exactly the contrary. It is only quite recently that Protection has been adopted in Germany, and the German people have suffered from it.

Mr. CHAPLIN: The right hon. Gentleman cannot deny that if the Report proves anything at all it has proved this, that Germany has made the enormous advance to which the right hon. Gentleman has alluded owing to the adoption of the system of protection. The right hon. Gentleman, of course, will not agree in this for one moment, but it will be remembered, as we were told the other day, that we are the only civilized country in the world that does not approve of protection. I do not, however, wish to be led into a discussion of this character. I would rather adhere strictly to the question which is now before us, and that question, as far as I am concerned, is this—namely, whether the burden which will be imposed by this Bill is to fall upon the rates, or whether it is not? Our only objection to the Bill—my only objection to the Bill—is that it does involve the risk of additional burdens falling on the rates, and I can assure the House that the condition of the agricultural interest is such at the present moment that it cannot possibly bear any additional burden being imposed upon it. I do not think or believe for a single moment that either the Government, or the House of Commons, or the public at the present time, in the least degree appreciate the extreme gravity and the extremely critical character of the agricultural situation. If matters remain in their present condition much longer, the true state of affairs will come as a great shock and surprise to the public at large. I cannot help referring to a question on this very subject, to which it certainly did appear to me a sufficient amount of consideration had not been given by many hon. Gentlemen sitting on this side of the House. The question was asked of the right hon. Gentleman at the head of the Government whether he would interfere with rents in such a way as to lighten the burdens falling upon the agriculturists. I confess that it does seem to me an absurd idea, to suppose that any further lowering of rents in this country would bring about a better state of affairs in the agricultural districts. Rents have already fallen as much as 30*s*. and 35*s*. per acre in many parts of England, and——

Mr. SPEAKER: Order, order! The right hon. Gentleman is deviating from the Question before the House.

Mr. CHAPLIN: I bow, Sir, to your ruling at once, and apologize to the House for having gone into anything that may be termed a deviation from the question. All I was endeavouring to show was that as the agricultural interest is situated at the present moment, it is impossible that any further burdens can be borne by it, even to the extent of that which is contemplated by the Bill now under the consideration of the House. All I have further to say is that whatever may be the general opinion on this subject, there are many of us in this House who are perfectly sensible that unless the Government can give us a far more positive assurance than they have done that there shall be no more risk of additional burdens being thrown on the land by the Bill now before us, we shall feel it our bounden duty, however much we may regret the necessity of having to take that step, to oppose the measure.

Sir HENRY ROSCOE (Manchester, S.): Having had the honour of being a Member of the Royal Commission to which reference has more than once been made, I desire, even at this late hour, to express my sense of satisfaction at the Bill which has been brought forward by the right hon. Gentleman the Vice President of the Council (Sir William Hart Dyke) in opposition to the strictures of the hon. Gentleman the Member for the Oswestry Division of Shropshire (Mr. Stanley Leighton), who seemed to think it was too late to bring forward a measure of this kind. On the contrary, I think the House generally is satisfied that it is better late than never; and that the Bill will meet, as I trust it will, with the approbation of a large number of Members on both sides of the House. I do not propose to detain the House for more than a few moments, but I should like to ask the right hon. Gentleman the Vice President of the Council whether it would not be possible to place the large provincial towns on the same footing as that upon which he proposes to place the Metropolis as regards the provisions of Clause 3. I may state that I represent a district in which the number of inhabitants within a circle of 36 miles is equal to the population of the Metropolis, and I can assure the right hon. Gentleman that the provision in the Bill to which I object will not meet with the approbation of the great manufacturing towns in the part of the country to which I have referred. I cannot conceive why we in the North of England should be placed on a different footing from the inhabitants of the Metropolis, and I trust that in passing this Bill, which I hope they will be able to do, the Government will see their way to the removal of what otherwise will be regarded as a slur on the manufacturing towns of the North.

Mr. J. G. TALBOT (Oxford University): I must apologize for addressing the House at this late hour; but I happen to occupy a peculiar position with regard to this Bill, which I desire to point out to the House. I am a Member of the Royal Commission on the Elementary Acts to which reference has been made. It is quite true that there have been two Royal Commissions which have dealt with this subject, as stated by the right hon. Gentleman—a Royal Commission on Public Instruction and one on the Depression of Trade; and both of these have no doubt supplied valuable information with regard to this subject. But it is also true that the Royal Commission upon which I had the honour to sit had this—among other subjects—committed to its charge, and I am not revealing any secret when I say that the subject of technical instruction is one of those on which, in the course of a few months, we mean to report. I am consequently placed in this position—I am unable to support the Motion of my right hon. Friend the Vice President of the Council (Sir William Hart Dyke), and I am also unable to support the Amendment, because the matters to which I refer are still under the consideration of the Commission of which I am a Member. But I would say one word more in regard to this matter, and that is that I think it somewhat hard upon the Members of the Royal Commission to which I belong that Her Majesty's Government should put before this House a question which is still under the consideration of that Commission; for, whereas the other Commission has reported on technical instruction generally, the Commission on which I have a seat intends to report on technical instruction in connection with the elementary schools. But although I find myself unable to give a vote upon this Bill, there are one or two matters to which I desire to call the attention of the House before I sit down. I want the House to consider whether they think a proper answer has been made to the following questions:—How far ought technical instruction to be given in the elementary schools; does the Bill involve the disputed question of payment by results; and is not the gate for giving technical instruction foreclosed by the Bill? These are matters of grave consideration, with regard to which the judgment of the Royal Commission is at present fettered so that if this Bill be pressed they will not be in the same position they now occupy. Then, there is the question of proportion which the Local Authorities ought to bear of the burden of education, which is another matter of very grave importance; and the whole of these are questions which are at this moment under the consideration of the Royal Commission; and there are matters which ought to be brought under the notice of the House. This is the first time the authority of the School Boards has been sought to be extended to secondary education. Again, this Bill for the first time lays down a system of education which applies only to one part of the country, and ignores all those districts which are not either under School Boards or Town Councils. This is a matter well worth being reported on, because there are 7,000,000 of people not under school boards at the present moment, and the greater part of these are entirely left out of the provisions of this Bill. Then, with regard to the subjects to be taught. The Science and Art Department is by this Bill to be made supreme, and might at any moment make a change in what is to be taught. The words are—"May from time to time be sanctioned by that Department." I say that this is a matter which ought to be carefully considered before the Bill is allowed to pass. The right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen) in his very interesting, and, from his point of view, convincing speech, tried to assuage the feelings of those who are afraid of the demands that may be made upon them under this Bill by saying that the demand upon the ratepayers would be exceedingly small. I will here trouble the House with a few figures, taken from the last Report of the Science and Art Department, which show the extent of the grants earned in the large towns from the Science and Art Department. In Crewe the Mechanics' Institute earned £326; in Derby, the Central School of Science and Art, £389; in Bristol, the Merchant Venturers' School, £591; School of Science and Art, £465; Bolton, School of Science and Art and Church Institute, £745; Liverpool, Free Library and Museum, £804; Manchester, School of Science, £1,233; Central School of Science, £1,983; London, St. Thomas's, Charterhouse, School of Science and Art, £1,045; Birkbeck Literary Institution, £1,013; Newcastle-on-Tyne, School of Science and Art, £1,450; Birmingham, £1,325; Bradford, £1,727; Sheffield, £1,006; and Glasgow, £1,435. I mention these figures for the purpose of showing that at the present time large sums of money are being expended and paid for purposes similar to those that would come within the operation of this Bill. Of course, this Bill is to have an operation widely extending the system, and ratepayers must be prepared for an increase in their burdens. I am not complaining of this. I only wish to point out that it is not a small matter, and therefore I think that the House should pause before they hurry on the passing of a Bill which deals with a matter now *sub judice*. I really cannot see how the matter is urgent, if it is at this moment in the hands of a Royal Commission. All I say is it is not that small matter it has been described. It is worthy of proper consideration; and I doubt if this is the best way of securing our object. I would much prefer to enlarge the voluntary principle, drawing out local interest, local influence and expenditure, and supplementing these by grants. This is a system of buttressing up by more State aid these branches of education—very important branches of education, I admit—but, I ask, is the House in a moment of enthusiasm going to take a great leap in the dark, and open the door to what will be in the future a largely increased expenditure? I am unable to vote "Aye" or "No" to the question, but I thought it right to express these views.

THE MARQUESS OF HARTINGTON (Lancashire, Rossendale): I hope after the second reading of the Bill has been agreed to the Government will be disposed to reconsider their determination with regard to the third clause which, as it stands at present, is perfectly indefensible. As the Bill was originally introduced it was proposed to exclude the Metropolis, but now I understand it is not the intention to leave the Metropolis in that position, but that a limitation shall be placed on the provision of new Technical Schools by the School Board until a new Board is elected, that the Metropolitan Board shall be only able to spend money provided for under the heads C and D of the 4th clause. Now, it appears to me that the principle the Government intend to adopt in regard to the Metropolis is equally applicable to all great towns under the Bill. I have not heard a word—and I have heard all this discussion urged—why other large towns should be treated in a different manner to the Metropolis in respect to this proposal. I believe the opponents of the Bill on this side would be satisfied if the clause were so modified as to prevent school boards of large towns from embarking on large expenditure which might not be in accordance with the wishes of the ratepayers until after the elections have taken place. That seems reasonable, and as it is the manner in which the Metropolis is going to be treated, I do not see why it should not apply to all other towns. It does appear to me there is great force in the objection of my right hon. Friend the Member for the Brightside Division of Sheffield (Mr. Mundella) to a decision by *plebiscite*. It would have the effect of establishing two hostile camps on the question, and would probably introduce into school boards an element of opposition and antagonism very desirable to avoid. I think hon. Members on this side would be perfectly willing to place any reasonable limit on the power of school boards to pledge the ratepayers to an indefinite expenditure until the ratepayers have had an opportunity of expressing their opinion. Why other large towns should be placed under conditions to which the Metropolis is not to be subject I fail to understand. One argument may have had influence. If it was thought the introduction of some such provision was necessary to conciliate the opposition of those who dread the imposition of new burdens on the rates, I think the Government must feel convinced that their object has not been attained. Hon. Members from Shropshire and Lincolnshire have shown they are opposed to anything that may have the effect, however remotely, of adding to the burdens of the ratepayers even with the consent of the representatives of the ratepayers themselves. Much as they desire facilities should be given to technical education being extended, they would not vote for a Bill unless the expenditure fell on the Consolidated Fund. Under these circumstances, it seems to me the opposition of those who take that view is not to be conciliated by any such proposal as that in the Bill. Without asking any pledge from the Government now, I venture to urge on them the adoption of the reasonable proposal of my right hon. Friend.

SIR JOHN LUBBOCK (London University): The hon. Gentleman the Member for Oxford University (Mr. J. G. Talbot) said he should not vote on the Bill, because he is a Member of the Royal Commission on Education; but as I also have the honour of being a Member of that Commission he will, I trust, allow me to express a hope that the fact may not prevent the hon. Gentleman from voting, for if no subject is to be dealt with at all that is referred to a Royal Commission, it would materially hamper our proceedings; and the House would lose valuable time if it always felt bound to wait until a Commission reports. The right hon. Gentleman spoke of the House passing the Bill in a moment of enthusiasm, but he forgets that we have been discussing the subject for a long time past, and that it has been the subject of an elaborate inquiry by a strong Commission. The hon. Gentleman the Member for the Oswestry Division of Shropshire (Mr. Stanley Leighton), who moved the Amendment, expressed an opinion in favour of seeing a system of technical education introduced; but I must confess the tenor of his speech appeared to me to be in an opposite direction. I will not say anything in favour of the omission of Clause 3, or of substituting the Fifth for the Sixth Standard, for these matters have been ably dealt with by previous speakers, but I should like to ask the right hon. Gentleman the Vice President of the Council to consider one other point. We have a certain amount of manual instruction in infant schools, and we shall now have technical education for the Sixth Standard and boys of a higher grade; but we want something to bridge over the interval. This might be done if he could add manual instruction to the other class subjects, and allow school boards to select the subjects in which to present children for examination, not limiting the number to two. At present, as the House is aware, only two class subjects can be taken. All children were obliged to take English, and a great number took geography; so that history and elementary science were almost excluded. Last year 20,000 schools presented children in English, and 12,000 in geography; history was presented in 375, and elementary science in 43 only. There is an idea that it is difficult to introduce a larger number of subjects. On the contrary, the want of variety is, I believe, one of the drawbacks in our system. Mr. Matthew Arnold, in his recent Report on certain points connected with elementary education in Germany, Switzerland, and France, has pointed out that in German elementary schools, there is a "fuller programme" and a "higher state of instruction" than in ours. Taking Hamburg as a good typical case, he says that the weekly number of hours for a Hamburg child between the ages of 10 and 14 is 32; with us, under the Code, for a child of that age it is 20. And then, or rather but then the Hamburg children has, as the obligatory matters of their instruction, 13 matters in all. In one of our schools, under the Code, the obligatory subjects were three—English, writing, and arithmetic. Of the optional matters they generally take, at the outside, four—singing and geography, and perhaps algebra and physiology. That makes in all, for our school week of 20 hours, seven matters of instruction, or, at the outside, only half as many as in Germany. If we were allowed to take, beside the three obligatory subjects, English, history, geography, elementary science, and manual instruction, we should still only have nine subjects against 13 in Germany. That increase of variety would itself be an advantage. Mr. Arnold says—

> "I often asked myself why, with such long hours and so many subjects, the children had so little look of exhaustion or fatigue, and the answer I could not help making to myself was that the cause lay in the children being taught less mechanically and more naturally than with us, and being more interested."

If we keep children until they are 13 years old, there ought to be no difficulty in imparting to them the elements of geography, history, and the natural phenomena by which we are surrounded. I will not dwell on this now; but I venture to express a hope that the right hon. Gentleman may see his way to modify the Code, so as to bridge over the interval between the infant schools and the children who will be dealt with by this Bill. If he does that, he will have the honour of removing a blot in our English system of education of which I fear it may be said with truth even now in the words of Pope—

> "We ply the memory, we load the brain,
> Bind rebel wits and double chain on chain;
> Confine the thought to exercise the breath,
> And keep in the pale of words till death."

My right hon. Friend's Bill has done much to remove this reproach; I trust it may soon become the law of the land, and that, following out the same principle, he will either modify the Code, or make some other arrangement so that manual instruction may be encouraged, or, at least, rendered possible between the elementary school and the stage at which it can be taken up under the present Bill.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I venture to express a hope that my hon. Friend (Mr. Stanley Leighton) will not oppose the second reading. If we had supposed for a single moment that this Bill imposed the slightest burden on the agricultural interest, we should have had the greatest hesitation in asking the House to accept it. But we have satisfied ourselves that it is almost impossible that that result can follow. It is just conceivable that one or two school boards might combine to take advantage of the Bill against the general opinion; it is conceivable that they might do so, but the circumstances under which such would be possible would be present on very rare occasions. So exceedingly difficult would it be, that I venture to think it would be almost impossible, and it would be most unwise for my hon. Friends, as representing agricultural interests, to plant obstacles in the way of urban communities availing themselves of the advantages of this Bill. There is a real community of interest between agricultural and urban communities, and I hope my hon. Friends who represent agricultural interests will not place themselves in that anomalous and undesirable position of appearing to stand in the way of an improvement of the position of the manufacturing population simply because of the bare possibility of an additional burden being imposed on the rates in agricultural localities. I advocate the Bill more as a tentative measure and an advance in a direction indicated as necessary by the experience, the research, and the accumulative evidence of the last four or five years. We deplore the depression of trade, we deplore the difficulties under which the agricultural interest is suffering, and I venture to say there is no portion of the question more important, that needs more careful assistance—not by an extravagant system—from the Government than the training of our manufacturing population for the work of life. My hon. Friend the Member for Oxford University (Mr. J. G. Talbot) deprecates boldness in legislation on the subject, because a Royal Commission on Elementary Education is now sitting, but it has been well observed by the hon. Baronet opposite (Sir John Lubbock) that, if we wait until the Commission has reported, we may for a very considerable period defer any improvement, however necessary it may be shown to be. I may here remark that, so far as I know, this question of technical education is not specifically referred to the Royal Commission. It may come in as an element for consideration in the questions that arise in dealing with elementary education; it is not shut out from their consideration, but it is not specifically referred to them as was the case when the Royal Commission was appointed to investigate the whole question of technical education. We have had the result of two Commissions; are we to wait for the result of another to which the question was not specifically referred? My view is, that the question is urgent, not that we should embark upon the building of a great fabric of technical education, but we should endeavour to graft on the existing system of elementary education, such instruction as experience has shown to be available, and which can be economically given in combination with existing elementary schools, and this we believe will be an enormous advantage to the artizan population of the country. I will not detain the House at this very late hour. We are most anxious to read the Bill a second time, and desire to wait until the next stage for further discussion when we shall have had an opportunity of considering the suggestions that have fallen from the noble Marquess (the Marquess of Hartington) and from the right hon. Gentleman the Member for the Brightside Division of Sheffield (Mr. Mundella) in regard to the conditions under which school boards may avail themselves of the measure. The idea of the scheme has been to provide what we believe necessary, and indeed vital to the future interest of manufacture in this country, and that the advantage to the manufacturing population should be obtained at the smallest possible cost to the ratepayers and taxpayers. We believe that great beneficial results can be obtained under the measure.

SIR RICHARD PAGET (Somerset, Wells): I hope there will be no disposition to curtail the debate by interruptions, for I have so profound a conviction of the importance of the Bill, now submitted to us for the first time, that I may feel it my duty to move the adjournment of the debate. I think the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) is under some misapprehension as to the motives which inspired the hon. Member for the Oswestry Division of Shropshire (Mr. Stanley Leighton) in moving the Amendment which is now before the House. I take it that the Amendment is moved as a protest, on a matter of principle. It is a principle we have fought for year after year until at last we have attained a position that leave us with some reasonable chance of success. We have contended against the system upon which local taxation is based, and high authorities on both sides of the House are with us. It is supposed by many that this Bill will aggravate existing inconveniences and increase the burden on the rates, but what I want to point out is this, that while hon. Members have expressed their views on the question of rating, under the impression that this will add to the burdens upon land and agriculture, I do not say that the burdens on agriculture will of necessity be increased, but I contend that this Motion is moved in accordance with a principle often fought for in the House, and which I venture to think has plenty of vitality in it—namely, that the basis of rating, for the purposes of local taxation, is unjust, and that you are adding, by this Bill to the incidence of taxation, on a basis which has been universally condemned. This is but the beginning of an interesting discussion on a matter of very high importance, and there are a great many points in regard to the Bill which have not yet been urged before the House. One of these I should like to mention. The whole of the machinery of the Bill hangs upon the administration of the Science and Art Department. Money is to be entrusted to that Department, and they are to supersede the Education Department for the purposes of this Bill. In the Bill of my right hon. Friend there is a clause virtually placing the Science and Art Department in a position of superiority, and makes them largely responsible for what the Bill will bring forth.

SIR WILLIAM HART DYKE: The Council and Vice President have an equal responsibility.

SIR RICHARD PAGET: I am quite aware of the fact to which my right hon. Friend refers. But the Bill does what I say it does, it takes a matter out of the hands of one Department, and places it in the hands of another. And what is this Department which is now to be responsible for this new departure in our educational system? Have hon. Members taken the trouble to study the 34th Report of the Science and Art Department—the Report for the present year? Have they taken the touble to see what is the opinion of the examiners whose duty it is to probe the work of this Department, and ascertain whether it is efficient or not? Have they observed that the remarks of the examiners of the Department are by no means of a praising or complimentary nature, either to pupils or teachers? Such remarks as these are sprinkled and scattered all over the pages dealing with the Report of the examiners—"The absurd nature of the answers;" "the general want of thorough knowledge of fundamental principles;" "absolute ignorance of simple facts;" "inadequate teaching," "teachers not possessing necessary knowledge of physiology," "they believe the teachers are to blame." And these are the teachers who are to undertake this vast amount of new work! [*Cries of* "No, no!"] From what other class can you get them? These are the teachers entrusted with this special work. The examiners may be rather hard; but, considering that we are now asked to take this new departure, should we not pause for a time, and see where we are going? Would it not be wiser to see if you have got an efficient staff which can teach before you introduce a system which may break down for want of this teaching staff? There is only one other remark I will make, though, if it were not for the lateness of the hour, there are many points to which I would refer. The right hon. Gentleman the Member for the Brightside Division of Sheffield (Mr. Mundella) gloats over the expenditure on technical education in Germany, Switzerland, and elsewhere, and thumps the box with energy while he cries—"Shame on you people of England that you do not spend your money freely in the same way." [*Cries of* "Hear, hear!"] You cheer that, but will you cheer when I say—"Shame on you people of England that you do not spend money for the improvement of agriculture, as other nations do?" [*Renewed cries of* "Hear, hear!"] A cheer, but slighter. The right hon. Gentleman did not mention the fact that Germany, France, Denmark, Belgium, Holland, and other countries spend thousands yearly on thoroughly equipped agricultural departments that do good service to the State. And what are you doing here? A few years ago there was an association called the Liverpool Financial Reform Association, which set itself the duty of imparting the principles of Free Trade; but under their auspices—[*Cries of* "Question!"]—— This is very much to the question, if hon. Members will be good enough to listen. Under the auspices of this Association, a great deal of high and dry Free Trade doctrine was preached. Not long afterwards the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) appointed a Departmental Committee of the Treasury to consider the question of Irish agricultural schools. Ireland at this moment has two such schools; but Ireland at that time had 20, and more than that, Ireland had no less than 80 schools attached to workhouses. What did the Treasury do? They crushed and killed them all. The very thing that Ireland wanted was crushed out by the apostles of high and dry Free Trade, who preached their doctrines as late as 1884. The Munster dairy school was condemned to extinction, but was rescued by an expression of popular opinion. I should like to proceed with this subject, which has much to interest those who are concerned with agriculture. We are told that this Bill is to enable us to compete with foreign nations, who are rapidly outstripping us in the commercial race, and our manufacturers are suffering. But is not the most suffering industry that of agriculture? Is it not the case that it is at this moment in a critical condition beyond precedent? But in this Bill nothing is proposed to be done for that industry which, beyond all others in the country, is suffering most bitterly. It is idle to say that agriculture is not a manufacture. You cannot deny that every grain of corn grown, every head of cattle raised is the result of manufacture as much as anything that comes from the loom. If we are to have this new departure in education, this putting aside of the high and dry Fair Trade principle of not allowing the State to interfere for the assistance of particular industries, if you are going to say that any industry, whose produce is subject to bitter foreign competition should receive State aid, then I claim for agriculture the full right to be placed on a footing of equality. I hope, Sir I am not wearying the House with my few observations. There is much more that might be said on this matter. The subject is one of a very serious nature, and the Government proposal indicates so complete and entire a change, so fresh a departure that we have a right to demand it shall be seriously examined. The right hon. Gentleman the Member for the Brightside Division of Sheffield has indicated his implacable hostility to the Bill if one clause is not taken out, and he has intimated that if that clause is insisted on, he will move an Amendment on the Motion to go into Committee. Well, if we all take that line, the Bill, I venture to say, will die a natural death; and I am justified in expressing my opinion that the support of the right hon. Gentleman to this Bill is at best but skin deep. Sir, I think this Bill is one which, at this late period of the Session, can scarcely receive the amount of attention which it deserves. With regard, Sir, however, to the Amendment now before the House, I would venture to say this—that it was, I believe, put down to raise the question of principle, and not through any fear of any fresh burdens to be thrown on the land. The Amendment asserts that an entirely new principle is contained in this Bill, that you are by it creating expenditure, but that you are not saddling that expenditure on the right horse. The speech of the Chancellor of the Exchequer was listened with great interest by all of us. We heard from him a distinct pledge—and I look upon him as a man of his word—that not only will he bring in a measure dealing with the incidence of local taxation next Session, but that it shall be one of the earliest measures which the Government will undertake. I also understand him to give us a pledge that he is prepared to deal thoroughly with the question of scientific technical teaching for agricultural purposes. In view of those two pledges, and seeing that this Amendment was moved merely to raise a question of principle, I would beg to ask my hon. Friend who moved it, to be satisfied with having raised the question of principle, to be content with the debate which has taken place, and to allow the Amendment to be withdrawn.

Mr. SAMUEL SMITH (Flintshire): I trust that the House will allow me to make one or two observations even at this late hour, for though I have put down an Amendment, I do not intend now to move it. I wish to refer to an important point within the scope of the Bill. We have been informed by the Chancellor of the Exchequer, that the number of boys likely to come under the operation of this Bill is not more than 12,000. Now, I had hoped that the Bill would have been made more generally applicable to our scholars, that it would have raised the general level of the education of the poor, and that the children attending elementary schools would be able to get some benefit from it. But we have to be content instead with the small crumb given us this night, and I think that the feeling throughout the country will be one of great disappointment when it is found that the Bill scarcely touches the general education of the country. The level of elementary education in this country is excessively low, the great mass of the children pass out of school at an early age, poorly equipped for the battle of life. Many of us entertained strong hopes that this Bill would have been made the means of elevating the general level of education, and of at least giving the children of the poor — of the great mass of the poor — a chance of gaining some little technical education, fitting them for the work of after life. But, as a fact, the Bill will only benefit those who are already able to pay for this knowledge; it will not touch the great mass of the population which stands so much in need of it. It is a matter for sincere regret that there is this limitation confining the operation of the Bill to a comparatively small class.

Mr. C. W. GRAY (Essex, Maldon): I do not propose to detain the House many minutes; but I wish to ask the hon. Member for the Oswestry Division of Shropshire (Mr. Stanley Leighton) to withdraw his Amendment, as the First Lord of the Treasury has so distinctly given us to understand that there is very little chance indeed of this Bill, if it is passed, increasing the rates on the agricultural interest. That, at any rate, is how I understand the First Lord put it, and it is only on that understanding that I can give this Bill my support. As to the principle of technical education, I thoroughly agree with it; but we are in such a position, Sir, at the present time in many parts of England, as to the state of agriculture, that it would be actually dishonest on our part to vote for anything, however good it might be in itself, if it would cause an increase of our rates. I am sure that the Chancellor of the Exchequer would not advise the purchase of an article at 20*s.*, however valuable it might be, if there was only 18*s.* to buy it with.

Mr. R. G. C. MOWBRAY (Lancashire, Prestwich): I only want to make one remark, and that is, to urge upon the Government the claims of that class of constituency of which I consider my own to be typical—namely, those which are essentially urban in their character; but which, owing to the circumstances of their cases, have neither school board nor town council which can put this Bill into active operation. Now, Sir, I represent a constituency which numbers more than 67,000 people, and for only a portion of that district, consisting of 25,000 people, is there a town council or school board. Therefore, if the Bill is passed as at present framed, the bulk of the constituency will be left entirely outside its scope. I would earnestly urge upon Her Majesty's Government to, if possible, extend the term "Local Authorities" so as to include Local District Boards, elected by and responsible to the ratepayers practically in the same way and on the same principle as town councils and school boards. That is the object upon which I ventured to rise. We have been told by the Chancellor of the Exchequer that in the interests of agriculture a measure will be brought forward next Session, in order to enlarge the scope of this measure; but I venture to think that the present measure should, at any rate, be made effective as regards Constituencies such as mine, not agricultural, but urban, where the people are engaged in cotton mills and bleaching, dyeing, and print works—industries for which technical education is most essential. I hope the Government will take this idea into consideration.

Mr. BARTLEY (Islington, N.): I do not wish to make a long speech at this hour of the night; but having been for 20 years engaged in carrying on science schools, I must say I think we ought to take a little time in discussing the actual provisions of so important a measure, rather than in raising every possible side issue to delay it. I protest against the reasons put forward from this side of the House with the object of postponing, and, indeed, shelving this measure. We have been urged to oppose it, and we have had the Royal Commission thrown at us as a reason for delaying it, as if every Commission did not last for years and years. Why should we postpone until the conclusion of that Commission's sittings a measure so vital to the interests of our artizan population? We have had the old controversy of the voluntary schools *versus* the board schools trotted out again, and the local taxation grievance has been once more urged, in order to delay the Bill. I thought these fossils on this side of the House, at least, were dead; but I am afraid that they are alive and kicking. All I can say is, Sir, that this very moderate measure, which is an experimental and tentative one, but which, no doubt, is the beginning of great things, should certainly be got through this Session. As regards expenditure, I will deal with these points in Committee. There are several points in which the Bill may be amended; but in my humble judgment—and I speak with experience, having had to do with the Science and Art Department for many years—I believe that the great objection to this Bill is that nine-tenths of the expenditure will come on the Imperial taxation, whereas, in my humble judgment, such things as technical education should fall, partly, at least, on local rates. If they do, we are sure to look after the expenditure very much better than when the Imperial purse is the sole paymaster. Sir, I wish to urge that this Bill should now be read a second time, and I trust that if passed it will show the country clearly that on this side of the House there is a great number of Members strongly determined to promote a sound course of technical education.

Mr. LEES (Oldham): I wish to say only one or two words. Until the last two speakers had addressed the House, one would have thought that there was no such thing as a Tory Member—that there was no agricultural Member. But there are a great many Tory Members on this side of the House who represent large urban constituencies, and I, speaking as one of them, disagree with much that has been advanced in opposition to this Bill.

Mr. DE LISLE (Leicestershire, Mid): I am sorry, Sir, to stand between the House and a Division; but I wish to explain that I neither wish to vote for or against the Government, and I would suggest a way out of the difficulty. There are other Bills much more important which in consequence of the introduction of this Bill, will probably have to be shelved. This measure, I think, is chiefly supported in the interests of those engaged in manufactures, and it seems to me, considering the grave state of agriculture, that it would be most unfortunate to devote the remainder of the Session to such a measure as this. I therefore hope that Her Majesty's Government will see their way—the principle of the Bill having been affirmed—to drop the Bill. Many of us fear that the working of this measure would prove, accidentally, not intentionally on the part of those who framed it, injurious to the interests of voluntary schools. I urge this more particularly, as I desire to see them carry into law the Tithe Rent Charge Bill, which——

Mr. SPEAKER: Order, order! The hon. Member cannot discuss the Tithe Rent Charge Bill now.

Mr. DE LISLE: I was only using it as an argument in favour of withdrawing this Bill. There is, I think, no serious reason why we should proceed with legislation on this subject before next Session, especially when we consider that a Royal Commission is now engaged upon the whole subject of education, and that the subject of State-suported technical education is receiving special attention; and when they have got the principle of the Bill affirmed, I hope that the Government will see their way to let it slide.

Mr. STANLEY LEIGHTON: I wish merely to say that I have been rather misunderstood by the Leader of the House. I brought this Amendment forward as a protest against increasing the burdens of the ratepayers, not only the rural ratepayers, but the urban ratepayers also; and I wish to point out that those in towns are heavily rated as well as those in the country. I also attacked the Bill, because I considered it a retrograde measure dealing with technical education in the wrong way. I further objected to it, because it is directly hostile to the voluntary school system. Under these circumstances, I cannot withdraw the Amendment.

Question put, and *agreed to.*

Bill read a second time.

Mr. MUNDELLA: Before the right hon. Gentleman fixes a day for Committee, I hope he will allow me to suggest that it be an early day, so as to ensure that we get the Bill passed into law.

Sir RICHARD PAGET: I hope, after the debate that has taken place tonight, the Government will see the necessity of not taking the Committee stage in a hurry, so that the House may have an opportunity of considering what Amendments are necessary.

Bill *committed* for *Tuesday* next.

SUPPLY.—REPORT.

Resolutions [8th August] *reported.*

Resolutions read a second time.

First Nine Resolutions *agreed to.*

Tenth Resolution *postponed.*

Remaining Resolutions *agreed to.*

Postponed Resolution to be considered upon *Thursday.*

REVENUE BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law relating to the Customs and Inland Revenue; and for other purposes connected with the Public Revenue and Expenditure.

Resolution *reported—*Bill *ordered* to be brought in by Mr. Jackson, Mr. Chancellor of the Exchequer, and Sir Herbert Maxwell.

Bill *presented,* and read the first time. [Bill 365.]

House adjourned at tweny-five minutes after Two o'clock.

HOUSE OF COMMONS,

Wednesday, 10*th August,* 1887.

MINUTES.]—Select Committee — *Report* — Sunday Postal Labour [No. 274].

Supply — *considered in Committee* — *Resolutions* [August 9] *reported.*

Public Bills — *Second Reading* — Lunacy Districts (Scotland) * [318]; Sheriff of Lanarkshire * [349]; Secretary for Scotland Act (1885) Amendment [358]; Technical Schools (Scotland) * [360]; Lieutenancy Clerks Allowances * [274]; Public Libraries (Scotland) Acts Amendment * [180].

*Withdrawn—*Universities (Scotland) * [357]; Presumption of Life Limitation (Scotland) Act (1881) Amendment * [300].

QUESTIONS.

RAILWAYS (ENGLAND AND WALES)—THE STRIKE OF ENGINE DRIVERS AND FIREMEN ON THE MIDLAND RAILWAY.

Sir EDWARD WATKIN (Hythe) asked the Secretary of State for the Home Department, Whether his attention has been drawn to the following extracts from a Circular, stated to have been issued to the Amalgamated Society of Railway Servants by Mr. Edward Harford, Secretary of that Body, as reported in *The Times* of Monday last, in reference to the strike of drivers and firemen on the Midland Railway:—

"The Amalgamated Society of Railway Servants will, so far as its members are concerned, give the fullest protection to any man who may be intimidated in declining to act as a 'black-leg.' And if there should be, although it is not expected that there is, one who will allow himself to be used for any such purpose, he will most assuredly expect the power and the censure, if not something worse, of the organization named. Therefore, every Society man is entreated to stand firm and resolute in his determination to refuse the Midland Company assistance in this dispute ;"

what steps he proposes to take to protect workmen who wish to dispose of their labour in their own way from these threats; and, how he proposes to deal with Mr. Edward Harford (who is not now a workman) in respect of this intimidation?

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) (Sheffield, Hallam) (who replied) said: The Circular alleged to have been issued by Mr. Harford may amount to an offence under the Conspiracy and Protection of Property Act, 1875, if the surrounding facts show that it was used to intimidate any workman from disposing of his labour as may please him. In that case the Summary Jurisdiction Acts supply a sufficient remedy without the intervention of the Secretary of State. The Secretary of State does not consider the facts suggested in the hon. Baronet's Question to be such as to call for any action on his part.

BULGARIA — ALLEGED ILL-TREATMENT OF POLITICAL PRISONERS.

MR. P. STANHOPE (Wednesbury) asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have received official corroboration of the statement that Mr. Karaveloff, ex-Prime Minister of Bulgaria, and Mr. Slaveiokoff, ex-Prefet of Sofia, have been barbarously flogged during their detention in gaol; and, whether Her Majesty's Government will make strong representations to the Bulgarian Government on the subject of their alleged treatment of political opponents?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): A rumour to the effect stated in my hon. Friend's Question attracted attention last March, and on the 10th of that month I stated, in reply to the noble Lord the Member for Ipswich (Lord Elcho), that on the rumour of M. Karaveloff and others having been illtreated in prison, an official inquiry was ordered by the Regents, and that the officials who conducted it reported positively that none of the prisoners complained of had been beaten or otherwise illtreated, and that the prisoners were treated with the consideration due to their former position.

THE OFFICE OF THE SECRETARY FOR SCOTLAND—EXPENSES.

MR. E. ROBERTSON (Dundee) said, he desired to put a Question to the Secretary to the Treasury as to the sixth Order on the Paper for to-day—namely, the Report of Supply taken last night, when the Vote for the Secretary for Scotland was agreed to. The hon. and gallant Member for Kincardine (Sir George Balfour) asked, What had been the total extra expenditure imposed upon the country by the creation of the Office of Secretary for Scotland, including, of course, the Scotch Education Department and all other items scattered through other Votes which properly belonged to the expenditure of the Scotch Office? and nobody on the Treasury Bench could answer the Question. Would the hon. Member be prepared, on Report of Supply, to give that information?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): As I understand, the Question is whether on the Report I will state what has been the additional expense imposed by the creation of the separate Scotch Department in all its branches?

GENERAL SIR GEORGE BALFOUR (Kincardine): Including all items in other Votes. I may mention that I find, for instance, one item, small in amount, under the Lord Advocate's Votes, a sum of £150 for a clerk for preparing Parliamentary Returns, which I think should come under the Scotch Secretary's Vote now that the Secretary of State is responsible.

PRESUMPTION OF LIFE LIMITATION (SCOTLAND) ACT, 1881.

MR. BUCHANAN (Edinburgh, W.) asked the Lord Advocate, Whether his attention has been directed to the fact that "The Presumption of Life Limitation (Scotland) Act, 1881," has been inoperative in many cases owing to the restrictions in Section 8, and to other defects in the same; whether the Government can offer any facilities to the passing of the Bill at present before the House to amend the Act; and, if not, whether next Session they will take steps to forward legislation to remove the grievances that undoubtedly have arisen?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): I am afraid I cannot offer any facilities for the passing of this Bill this Session; but I can assure my hon. Friend that the matter certainly does require some legislation, and it shall have my attention.

BUSINESS OF THE HOUSE—SCOTCH BUSINESS.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.) asked the First Lord of the Treasury, Whether, after the discussion at the meeting of Scotch Members yesterday, and the opinions there expressed, the University Bill and the Technical Education Bill were to be proceeded with?

MR. ANDERSON (Elgin and Nairn) asked the First Lord of the Treasury, if the Government had come to a decision in reference to the Scotch Land Bill?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): These Questions are very much Questions for the House. It is not in the power of the Government to manufacture time. We are anxious to proceed with all the measures for the advantage of Scotland, and the improvement of the law relating to Scotland; but I am really not able to say which of them we will proceed with. It depends on the length to which discussions extend, both in regard to Scotch measures and in Supply. As regards the Universities Bill, if we gather that, in the opinion of Scotch Members, further time is necessary for the consideration of that measure, we shall not press it this Session; but in that respect also we follow rather than lead, and desire to defer to the wishes of Members representing Scottish constituencies.

SIR GEORGE CAMPBELL asked the Government to consider whether, in view of the universal expression of opinion at the meeting yesterday, the Universities Bill should be proceeded with?

MR. PRESTON BRUCE (Fifeshire, W.): May I ask the First Lord of the Treasury, whether some information has not reached him from the Secretary for Scotland as to the very general expression of opinion at a meeting which took place yesterday at Dover House? I do not think there was any point on which the large number of Scotch Members who were present were more unanimous than in declaring that they did not wish this Bill to be proceeded with this Session. I have to ask whether all we did and said yesterday has to be gone over again in the House to-day at the expense of the public time?

MR. W. H. SMITH: Certainly not. Any expression of opinion of the kind described undoubtedly would decide the course of the Government. But the hon. Gentleman must be aware that, after sitting in this House till 3 o'clock in the morning, or nearly 3 o'clock, it is not possible for Members of the Government to have that communication with each other which he seems to consider must be so exceedingly easy. But I will undertake to say that any understanding arrived at between the Scotch Members and the Secretary for Scotland shall be observed.

MR. PRESTON BRUCE: A Question will be asked to-morrow with reference to the Universities Bill.

MR. W. H. SMITH: I understand from the hon. Gentleman himself—and I take his word for it—that the general feeling of the Scotch Members yesterday was that the Universities Bill should not be proceeded with. I understand that to be the general feeling of the Scotch Members; and, under these circumstances, the Bill will not be taken.

MR. ANDERSON: Is the Scotch Land Bill to be proceeded with?

MR. W. H. SMITH: I have not had an opportunity of conferring upon the subject; but I certainly will endeavour to meet the wishes of Gentlemen from Scotland as far as it is possible to do so.

ORDERS OF THE DAY.

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LUNACY DISTRICTS (SCOTLAND) BILL [*Lords*].—[BILL 318.]

(*The Lord Advocate.*)

SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): Sir, in moving that this Bill be now read a second time, I do not think it is necessary to detain the House long, because all the Members for Scotland who are interested in the Bill have the matter thoroughly in their knowledge already. I may say shortly that the object of the Bill is to restore the power which existed before the Act of 1877, by which lunacy districts in Scotland can be properly adjusted. Before the Act of 1877 the Prison Boards of Scotland, which existed at that time, had that power, but the Prison Boards were abolished in 1877; but neither in the Act of 1877 nor since has any provision been made with respect to the establishment of these lunacy districts. It is proposed under this Bill to confer on the General Board of Commissioners of Lunacy in Scotland this power which formerly existed in the Prison Boards, and I trust that the House will give the Bill a second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Lord Advocate.*)

Mr. E. ROBERTSON (Dundee): I rise to move the rejection of this Bill. In doing so I may be permitted for a few moments to call attention to the very singular circumstances under which the House is called upon to consider this and the other measures which stand on the Order Paper for to-day. Towards the end of one of the longest and one of the most laborious Sessions in all our Parmentary annals the House of Commons is called upon on a Wednesday afternoon in the middle of August to discuss in a few hours the entire legislative programme of the Government as regards Scotland. So far as Scotland is concerned the Session is beginning to-day. Not merely is this the first time when we are called upon to pass judgment on the Government Bills for Scotland, but these Bills are almost absolutely new to us. Nearly every one of them has been sprung upon us in the course of the last few days. This is a state of things with which the people of Scotland cannot be expected to rest contented. We were told the other day by a distinguished supporter of the Government—the senior Member for Birmingham (Mr. John Bright)—that Scotland was the best regulated portion of the United Kingdom. I think it would not be exaggerating much to say that the Scotch Members are among the best conducted and best regulated Members of the House. That is a modest claim, which I think all sections of the House will admit. But what is the good of all this superfluous virtue and respectability if it merely ends in this—that while those who are clamorous and while those who are guilty of what the Government call Obstruction are listened to and deferred to, Scotch measures are thrust into the background and are submitted to this House at a period of the Session when they cannot properly be discussed at all? I think the situation is such that the Members from Scotland who are here to-day would be amply justified in taking strong measures against the Government, and rejecting the entire legislative programme which they have submitted to us to-day. If my hon. Friends accept that suggestion favourably I hope they will begin by making an end of this Lunacy Bill, which stands first on the programme. Now what is the Government programme? I do not want to go by anticipation into the various measures proposed; but the fact is the only two Bills which the Government seem desirous to pass are two measures intended to remedy legal or legislative blunders—the blunders of the Executive itself or the blunders of the House of Commons or the House of Lords—perpetrated some years ago. They are measures of a legal or personal character rather than of a general character involving the interests of the whole country. It is, I think, a singular commentary on the action of the Government, and on their conduct of Business in this House, to say that at this time, in the middle of August, they are asking us to discuss two such measures as this Lunacy Bill, and the Bill which immediately follows, the Lanarkshire Sheriff Bill. The First Lord of the Treasury stated the other day as a reason for proceeding with the Bill now before us that the most serious consequences were to be apprehended in Scotland if this Bill was not passed. The right hon. Gentleman made an unintentional joke, or, if he did not, then he simply wanted—about this Lunacy Bill—

> "To show by one satiric touch
> No nation ever wanted it so much."

But the right hon. Gentleman does not seem to be aware that the serious consequences which he apprehended—the only serious consequences involved in the rejection of this Bill—are confined to one part of Scotland. The measure is mainly for relieving the Parochial

Board of Lanarkshire of a difficulty in which they are placed; but it is a curious thing that while the relief required will be extended by this Bill to Lanarkshire, the Bill will in a corresponding degree injure Forfarshire, and this is mainly the ground on which I ask the House to reject this Bill. The Lord Advocate has said that the purpose of this Bill is to remedy the unintended consequences of the Prisons Act of 1877, and that it is simply intended to restore the powers of making application to the Board of Lunacy for the division of districts which were in existence before the passing of that Act. That is not exactly a true description of the contents of this Bill. If the main purpose of the Bill had been limited to that, I do not think I should have risen to move its rejection. But the Bill does not merely restore the provisions of the old law. I have myself an Amendment on the Bill, or at least I intend to put upon the Paper an Amendment, which will have the effect of restoring the powers of the Lunacy Board as they existed before the Bill of 1877 was passed. But there is a more serious objection to the Bill, and that is that it places the new districts which are to be created under this Act under a very objectionable clause of the old Lunacy Act of 1857. That is the *gravamen* of my case. The 59th clause of this Act of 1857 provides that in case there should be any asylum established in any district which shall have sufficient accommodation for the pauper lunatics of such district, or which can be rendered adequate for the reception of such pauper lunatics, or any portion of them, the Board of such district shall, before proceeding to assess for or erect in any district an asylum, contract with the parties interested in such asylum for the use of the whole or part of the asylum for the reception and maintenance of the pauper lunatics of such district on terms to be arranged, and, in case of differences arising, a form of arbitration is provided on an appeal to the General Board sitting in Edinburgh. I want the House to consider how this clause operates. It gives a monopoly in those districts where they exist to what are known as the chartered asylums in Scotland. The Local Authority—the representative authority—charged by the law with the maintenance and care of pauper lunatics must offer their patients to these chartered asylums, and must offer them on conditions which the chartered asylums are at liberty to accept or refuse. Practically the patients must be accepted only upon the terms fixed by the asylum itself, because I believe that the arbitration of the General Board in Edinburgh is an arbitration only in name. In Forfarshire, at all events, it is true that the effect of this clause is to give a one-sided monopoly to those chartered asylums, and to compel the Constitutional authorities having the charge of the lunatics to accept any terms which may be imposed by these private and irresponsible authorities in charge of chartered asylums. I have in my hand a statement which was lately made to the Lunacy Board in Edinburgh by the Representatives of Forfarshire, showing how this works out in regard to the cost of lunatics. There is no use in denying the fact that this is mainly a question of cost, and we object to this Bill because it saddles us with an extravagant expenditure over which we have no control, and which, we believe, we could get rid of if this Bill were withdrawn in the meantime, and a more just and adequate measure brought in at a later date. The official statements made by the Montrose Asylum in the year 1886, tested, as I believe, by the results of other figures, show that a pauper lunatic patient costs them not more than £20 0*s.* 3*d.* per annum. The amount which they charge, or which the existing law enables them to charge, upon the Local Authorities of Forfarshire is £28 12*s.* per annum, or nearly one-third, or 30 per cent, per patient more than the Local Authorities would be bound to pay if they had the control over their business, which I think they ought to have. The case is all the harder because these chartered asylums in Forfarshire represent the contributions of Forfarshire itself. They were brought into existence by the voluntary contributions of the whole county. They were maintained for a long time by this means, and now they are chartered and managed by persons entirely irresponsible to the public opinion of the county or to the ratepayers of the county. We are asked under this Bill to give them powers of indirectly taxing the ratepayers, by forcing them to pay an excessive amount for the patients. We are bound to send to them.

It seems to me that on these grounds we have a right to protest against this Bill passing in its present shape. Lanarkshire, which is clamouring for this Bill, and to which the serious consequences that may arise from its rejection are confined, is not affected by this state of things, because Lanarkshire, or at least the parishes of it which are affected by this Bill, have no chartered asylums to which they will be bound to send their patients. The Bill has this curious effect, that it will prevent Forfarshire from doing the very thing which it will enable Lanarkshire to do. It will be an enabling Bill for Lanarkshire; but it will be a disabling Bill for Forfarshire. It seems to me there is a grievance—I do not deny it—in the case of Lanarkshire and other counties in the West of Scotland. But where the grievance is local, it is surely common sense that the remedy should be local also; or, if you proceed by means of a general measure, you should take care that the measure is not so conceived as to injure other localities. If the Government would meet us, I will not say half way, but a quarter of the way, and remove some of those features of the Bill to which we object, I do not know that this opposition need be carried any further. Clause 4 of the Bill not merely repeats and confirms and perpetuates the injurious provisions of the Act of 1857 by applying it to new districts which may be created by this Bill, but it actually increases the evil. Forfarshire, as I hope I have satisfied the House, is in a position altogether different from Lanarkshire in this matter, because it not only has one chartered asylum but it has two. It has a chartered asylum at Montrose, and it has a chartered asylum at Dundee. If a new district is formed under this Bill in the neighbourhood of Dundee the effect would be that the new Dundee lunacy district, instead of being thirled as it is now to the two County Asylums, and having the benefit of some competition between them, would be limited to the single chartered asylum situated in its own lunacy district. I believe that would be one of the effects of the working out of Clause 4. If Clause 4 were withdrawn from the Bill it would still meet the grievances of the Local Authorities in Lanarkshire, and I think the Bill might in that form be allowed to pass; but otherwise the measure ought to be greatly deprecated. What is wanted in this matter is Free Trade and Home Rule. We want to be allowed to discharge at our own risk and on our own responsibility the serious duties which the Legislature has imposed upon us, and we object to Parliament saying that we must contract with a body which is not compelled to contract with us, and under conditions practically enabling these irresponsible Authorities to fix their own terms. I have only one word more to say, and that is to repeat my avowal that I do not for a moment wish to stand in the way of Lanarkshire obtaining the redress of any grievance it may have. I am perfectly willing that this Bill should pass under conditions which will not impose disabilities upon us. Therefore, if the Government will do one or the other of the following things, I shall not press my opposition any further. If they will leave out Clause 4, I shall willingly allow the second reading of the Bill to be taken. I should prefer—though I know the Lord Advocate will not accept it—the adoption of an Amendment declaring that the old Clause 59 of the Act of 1857 should be declared to be optional—that is to say, that instead of being bound to contract with the chartered asylums the Local Authorities should simply be empowered to do so; but if the Lord Advocate will not accept these suggestions, I have another offer to make, that he should confine the operation of the Bill to Lanarkshire—[Mr. Esslemont: No, no!]—and to Aberdeen if my hon. Friend wishes it. If he will not do that, then, as a last alternative, I ask him to leave the county of Forfar out of the Bill altogether. If he accepts any of these three courses, then our opposition to the Bill will cease; but as he has hitherto given no indication of a friendly reception to any of these suggestions, I have no alternative but to move that the Bill be read a second time this day three months.

Mr. LACAITA (Dundee) seconded the Motion.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. E. Robertson.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. HOZIER (Lanark, S.) said, the hon. and learned Gentleman who had moved the rejection of the Bill complained that it had been sprung upon Scottish Members, and later on he declared that the question dealt with in the Bill was a local and personal one.

MR. E. ROBERTSON: I said Bills generally had been sprung upon us.

MR. HOZIER said, he would remind the hon. and learned Gentleman that for the last two months he had had a block against this very Bill, and it was owing to that circumstance that they only got to the Bill to-day. Therefore, the hon. and learned Member had no good ground for complaining that a Bill which had been blocked by himself for two months had been sprung upon Scottish Members. In view, however, of the inordinate length of the speech of the hon. and learned Member, he would strongly advise the Government always to spring Bills upon him, because there was no knowing to what length he would go if he had more time for consideration. With regard to the statement of the hon. and learned Member that the Bill was a purely local and personal one, he would remind him that Scottish Members were, as a matter of fact, almost unanimously in favour of the Bill; but that, even if the benefits of the Bill were confined to Lanarkshire, that county contained about 1,000,000 inhabitants. That was a considerable locality, to say the least of it; and a question that affected that vast county—the most important in Scotland—could hardly be treated as a mere local matter. He quite admitted, however, that there was a local and personal qnestion about the Bill; but that was the miserable local and personal quarrel between the towns of Dundee and Montrose. ["No!"] Oh, hon. Members belonging to Scotland would recognize the truth of what he said. It was entirely due to that local and personal quarrel that they were now obliged to devote a considerable portion of a valuable day to the discussion of what was called a local and personal Bill. He could only say, on behalf of Lanarkshire, that they were very grateful indeed to the Government for having introduced this Bill as the first Order of the Day, because, owing to the action of the Representatives of Dundee, no other course was open if progress was to be made with this measure, which they were united in considering as absolutely necessary for them.

GENERAL SIR GEORGE BALFOUR (Kincardine) said, he hoped the hon. and learned Member for Dundee would not persevere in his Motion. Montrose Asylum was closely connected with the county that he represented. They had no less than 50 patients from that county in the asylum—all well taken care of. He had no objection to the Lord Advocate taking steps by which he could investigate the accounts of the Montrose Asylum. He thought the hon. and learned Member for Dundee had only done his duty to his constituents in bringing forward this matter.

MR. M'EWAN (Edinburgh, Central) said, he should have preferred to have given a silent vote on this question; but, inasmuch as the Bill was objected to by the Parochial Boards of Edinburgh and St. Cuthbert's, he felt it necessary to state his reasons for supporting it. These Boards did not object to the principle of the Bill. They approved of it. Indeed, it was very difficult to see how they could do otherwise. The Bill did not pretend to change the law, and these Boards were in no way affected by it. They would remain exactly as they now were. But why did they object? They objected to it because they were bound at present to send pauper lunatics to the asylum at Morningside, which was governed by a self-elected body. They thought it ought to be governed by a representative body. He had as strong an objection to the government of self-elected bodies as these Parochial Boards had; and if a Bill was ever introduced for the purpose of placing this and all other asylums of a similar character under representative bodies it would have his cordial support. The objection of these Boards was that the expenditure in Morningside Asylum was lavish, and that they had to pay a larger sum for the maintenance of the pauper lunatics of Edinburgh than was exacted by any other asylum in Scotland. The Parochial Boards had issued a statement of the cost of paupers in the various asylums in Scotland, in which they professed to bring out this result; but no uniformity had been observed in the preparation of these Returns. In the great majority of cases no rent was charged. Where rent was charged it was not based upon actual facts. In order to show that this allegation of excessive cost in Morningside was not borne out by facts, he would compare it with the cost in the Mid Lothian District Asylum. The cost in the latter was said to be £28 1*s.* 3*d.*, and that was exclusive of rent. But they had to pay an annual instalment of £3,050 in redemption of principal and interest; and as there were only 230 beds in that asylum, that brought out a sum of £13 4*s.* per annum for rent, which, added to the £28, made the cost of the maintenance of a pauper in this district asylum £41 6*s.* 3*d.* He would compare it with another important parochial asylum. The Barony Asylum in Glasgow professed that the cost of lunatics there was only £28 0*s.* 10*d.*, including rent; but they put down the rent at £3 3*s.* 3*d.*, which was a mere assumption based upon a principle unknown to anyone but themselves. There was a debt on this asylum of £160,000, redeemable in the usual way in 30 years; and, as there were 533 beds in the asylum, this involved a cost of over £15 for rent. Deducting the £3 3*s.* 3*d.* which they admitted, and adding the £15 which it actually cost for rent, that brought out the cost of paupers in this asylum at £38. The rate charged in the Royal Asylum at Edinburgh was £33 10*s.*, including rent and everything. This being the case, he thought there was no call for excessive urgency in interfering with the existing state of affairs in Edinburgh; and as they understood from Lanarkshire that that county was almost in a state of chaos in regard to lunatics, and that great inconvenience would result if the Bill were postponed, and as no inury was to be done to Edinburgh or any other district, he should support the Bill.

Mr. SHIRESS WILL (Montrose, &c.) said that, as Montrose had been so often mentioned, he hoped the House would allow him to say a few words with respect to this matter. The Amendment of the hon. and learned Member for Dundee in regard to this Bill was to obtain once more for Parochial Boards the jurisdiction over and the care and management of the unfortunate class of pauper lunatics which they had up to the passing of the Act of 1857, but which was purposely denied by that Act after a careful investigation by a Royal Commission and a very long Report going fully into the subject. Up to that time no provision had been made by the State for the housing of pauper lunatics. The matter had been largely one of private enterprize and charity. The Montrose Asylum was founded originally by charity in 1782, and gradually it was extended from time to time, and was one of the existing institutions when the Act of 1857 was passed. That Act, following upon the Report of the Royal Commission, provided, in the interest of pauper lunatics as well as of the ratepayers, that no unnecessary building should be put up by any of the district authorities constituted so long as there was within the district a chartered asylum liable to the supervision and regulations of the head Board in Edinburgh, and so long as these asylums were willing to receive the patients upon terms which, if the parties did not agree, were to be determined upon by the Board in Edinburgh. What was the grievance put forward as the excuse for this opposition to the Bill? It was stated by his hon. and learned Friend that the Montrose Asylum charged £28 per patient per annum, when they could be kept at a charge of £20. The argument was untenable for this reason. Assuming—though he disputed it altogether—that the hon. and learned Member's figure of £20 as the actual cost per patient was correct, the Board in Edinburgh was constituted a Board of Arbitration; and if any of his hon. and learned Friend's constituents had any case to go upon they had only to carry the matter before them on appeal. The figures must be adjudicated upon and would be adjudicated upon by the Board in Edinburgh, which had power to call for information bearing upon the point, not only from the Montrose Asylum authorities, but from the authorities of every asylum in Scotland, and to decide what was a proper charge. Therefore, that could not be the reason for the opposition to the Bill. But the true reason of the opposition to the Bill had leaked out. His hon. and learned Friend desired to make the application of the Clause 59 of the Act of 1857 optional. This Clause 59 was the one he (Mr. Shiress Will) had adverted to, which prevented in the interests of the ratepayers the unnecessary building of house-room for pauper lunatics. Now, what would happen if they accepted his hon. and learned Friend's suggestions? The asylum of Montrose was the second largest in Scotland. Its Governors had from time to time spent large sums of money in extending and improving it. There was no question of reward or profit; whatever surplus there might be was spent in the improvement of the building and of its internal accommodation, and in keeping it up to modern requirements. In that asylum there were 200 or 300 pauper lunatics from Forfarshire. What the hon. Member would like would be that the Parochial Board—not an absolutely representative institution, by the way—should be able to go to Montrose Asylum and say this —"You are doing your duty. You are under inspection. You are bound to conform to the regulations, and you cannot make any profit. You have from time to time spent large sums of money relying upon Section 59. You have provided accommodation for between two and three hundred pauper lunatics from Forfarshire. You have this accommodation on your hands; and now either you must take our paupers at our price or they shall go elsewhere." That was the sort of Free Trade the hon. and learned Member wished in regard to the treatment of this unfortunate class. Could anything be more reprehensible? Were these unfortunate people to be put up to public competition, as if they were so much washing to be given out? Was it in the interests of humanity that they should endeavour to cut down prices, by means of competition, so as to bring about such a state of things as that paupers would be stinted in this direction or that—in their food, in their clothing, in their medical attendance, and in their efforts to improve and benefit their condition, and restore them to a healthy state of mind? He said that was exactly the policy that in 1857 a Royal Commission and an Act of Parliament put a stop to. Parliament had provided a remedy in that there should be a head Board in Edinburgh, controlling the asylums and regulating the charges to be made for them. For these reasons, he trusted the House would not see fit to reject the measure.

Mr. ASHER (Elgin, &c.) said, he hoped that a decision would shortly be arrived at on this Bill, so that they might proceed to consider other important Business. It seemed to him, from what had been said, that both sides of the House were in favour of the principle of the Bill, which was the only question which properly ought to be discussed on the Motion for second reading. The principle, as he understood it, was that the Lunacy Board in Scotland should have the power of regulating the lunacy districts in Scotland. They had that power under the Act which constituted the Lunacy Board; but, by what had always been regarded as a mistake in legislation, it was taken away from the Board by the Prisons Act of 1877. Before that Act was passed the Prison Boards had the power to move the Lunacy Board to create lunacy districts, and when by the Act in question the Prison Boards were swept away there was no authority to take their place in this matter, and the Lunacy Board could not take action on its own initiative. The Bill now before the House sought to constitute an authority which should have the power to apply to the Lunacy Board to fix the districts. The objection taken to the Bill was strictly limited to the 4th clause, and the point which his hon. and learned Friend had raised in regard to it was very fairly open to discussion. There was a great deal to be said in favour of the existing system in reference to the protection of the interests of large asylums which had been established at very great cost. On the other hand, they could not help sympathizing with the desire that these institutions should be placed under the control of persons popularly elected. But what he would suggest to his hon. and learned Friend was that the proper time for raising these questions was in Committee. It would then be open to him to move that the clause should be omitted. Since they were all agreed that legislation was necessary on the main lines of the Bill, he would suggest that they should now come to a decision on the subject, and get on with the other important Bills before them.

Mr. LACAITA (Dundee) said, he should not detain the House; but he hoped his hon. and learned Friend and Colleague (Mr. E. Robertson) would not accept the advice which had been tendered to him, but that he would press his Amendment to a Division. They knew very well what the effect was of putting off their objections to measures till the Committee stage meant. It meant that their Amendments were then proposed only to be withdrawn or to be defeated. The whole objection taken by Dundee was to the 4th clause, simply because it was quite unnecessary. It was a matter of serious importance to the ratepayers of Dundee, and did not at all arise out of any local jealousy or squabble. It was a matter of so serious importance that one-third of the whole of the poor rates payable by Dundee was due to the necessity of maintaining pauper lunatics. When the proportion was so great it was not in the least to be wondered at that the local Parochial Board, which, if not elected by popular suffrage, was most devoted to the real interest of the ratepayers as well as to economy, should offer strenuous resistance to the Bill. He appealed to the Lord Advocate to give them some assurance that he would leave out Clause 4. That clause was absolutely unnecessary for Lanarkshire, which was the county requiring the Bill, because in Lanarkshire there were no chartered asylums to which that section of the Bill might be applied. When they got into Committee they had been given to understand that there was no intention to divide Forfarshire into two districts. Therefore, as regarded that county, there could be no reason for the further extension of this system, which bore so heavily on every class of ratepayers.

Dr. CLARK (Caithness) said, he hoped his hon. and learned Friend the Member for Dundee (Mr. E. Robertson) would not take the advice of his hon. Colleague and divide the House. He very much sympathized with his hon. and learned Friend's objection. It was not a question affecting Forfarshire alone. When he was a member of the Govan Parochial Board some years ago that body spent a large sum of money upon an asylum for the accommodation of their own pauper lunatics. As a portion of Govan was in Lanarkshire, the people of Renfrewshire would have not only to keep up their own very good asylum, but they would to pay for the asylum in Lanarkshire. He was in favour of the Bill, but he thought Clause 4 ought not to be in it, and he would support the hon. and learned Member for Dundee in endeavouring to get it struck out in Committee. As the same time, he considered it a wrong policy to oppose a measure which would do a great deal of good to the people of Scotland simply because they could not get a particular section modified.

Mr. WALLACE (Edinburgh, E.) said, he was very much inclined to agree with the views expressed by the hon. and learned Member for the Elgin Burghs (Mr. Asher); but it seemed to him that the 4th clause had been elevated to the position of a second principle of the Bill. Although he desired to see the measure passed, yet if the retention of Clause 4 was insisted upon as of the essence of the measure, then he was compelled to regard that clause as the fly in the pot of ointment, and would have to vote against the second reading.

Mr. ESSLEMONT (Aberdeen, E.) said, it would be a great mistake to suppose that the Bill was required merely in the interest of Lanarkshire. As representing Aberdeenshire he might say that it very much affected that district. The law on the subject was uncertain. The present District Asylum in Aberdeenshire was becoming overcrowded, and it was necessary that additional accommodation should be provided. It was of the utmost importance that there should be no doubt about the law on the subject, and the Bill ought to be passed in order to clear up the matter. He looked upon the 4th clause as a necessary clause. He was as much in favour as his hon. Friends of having representative Boards, and such a change might be brought in in time; but this clause was required until they should have such changes as would place the Lunacy Law upon a more popular basis. If hon. Members thought it necessary to salve their consciences by taking a Division, let it be done; but they ought not to lose more time in discussing the matter.

Mr. E. ROBERTSON said, the discussion that had taken place had been to a certain extent valuable; but he must express his deep disappointment at the tone of distrust of the Local Authorities which had been shown by hon. Members in the House. After the appeals which had been addressed to him to withdraw his opposition to the Bill at that stage, he would yield to the evident sense of the House and avoid an unnecessary Division; but he should renew in Committee his opposition to the more objectionable clauses of the Bill, and would rely with some confidence on the support of hon. Members who had expressed their sympathy with his objects, and to whose wish he then deferred. He would ask leave to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read a second time.

GENERAL SIR GEORGE BALFOUR hoped the Bill would be allowed to pass through Committee at once. ["No, no!"]

Bill *committed* for *To-morrow.*

SHERIFF OF LANARKSHIRE BILL.

(*The Lord Advocate, Mr. Secretary Matthews, Mr. Solicitor General for Scotland.*)

[BILL 349.] SECOND READING.

Order for Second Reading, read.

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities), in moving that the Bill be now read a second time, said, they had had a meeting of Scottish Members, at which he stated the grounds for bringing forward the measure. But he did not feel he would be justified in doing otherwise than make a distinct statement to the House on the matter. About 18 months ago, the then Sheriff of Lanarkshire (Sheriff Clark) became so ill as not to be able to attend to the duties of his office, and it became necessary that an *interim* Sheriff should be appointed. It was his duty, as adviser of the Home Secretary on these matters, to pick out the best man he could find to fill the office of Sheriff in the absence of Sheriff Clark. The Sheriffship of Lanarkshire was a very difficult office to fill. The duties were so onerous and so extensive, and involved the necessity of getting a man of such experience, and also a man who could live on the spot, that the post of *interim* Sheriff was not an easy one to fill. After full consideration he was satisfied that, from his personal qualifications, and also from the fact that he was resident in Lanarkshire, and that his position as Professor of Scottish Law in Glasgow University afforded him the best opportunity of keeping himself well informed on legal subjects, and from the knowledge he (Mr. J. H. A. Macdonald) had that Professor Berry's skill in the law was such that he was very largely employed by the mercantile community of Glasgow in questions of mercantile law—on all these grounds he was satisfied that Professor Berry was the most suitable man whom he could have selected for the position of *interim* Sheriff. He had no reason to doubt that the appointment gave the most perfect satisfaction to the community. About the propriety of Mr. Berry's appointment as *interim* Sheriff there could be no question whatever, because he complied with all the requirements of the office, and was, therefore, perfectly well qualified. The Act of Parliament specified that in the case of a person to be appointed Sheriff of a county during the leave of absence of any Sheriff who was unable to perform his duties from illness, the qualification necessary was that he should be an advocate of not less than five years' standing. It unfortunately happened that while Professor Berry was fulfilling the duties of *interim* Sheriff of Lanarkshire Sheriff Clark died. It then became necessary to consider who was to be appointed to fill his place. He saw nothing to lead him to any other conclusion than that Sheriff Berry was the most suitable man for the post, and the manner in which he had fulfilled his duties as *interim* Sheriff had given the greatest satisfaction. [An hon. MEMBER: For how long?] He thought it was three months. He accordingly nominated Sheriff Berry for the appointment of Sheriff, and he was duly appointed. In doing so, he had to admit that he did not advert to an old Act of Parliament passed in the first year of Her Majesty's Reign; and he believed no one else had their attention called to it in any way until within the last month or so. That Act was the Act of 1 & 2 *Vict.* c. 19, which specified that the person to be appointed Sheriff of a county should not only be an advocate of a certain number of years' standing, but should also be in attendance and in practice at the Bar in Edinburgh. Now, that was a mistake for which he (Mr. J. H. A. Macdonald), and he alone, was responsible; and he must, and would, take the full responsibility for it on himself. As regards Professor Berry, this mistake placed him in this position—that he had been required by the Lord Advocate's stipulation to give up the valuable appointment of Professor of Law previously held by him in Glasgow University before he could be appointed Sheriff. Now, the position of Professor of Scotch Law in Glasgow University was peculiar and unique in this respect—that while the Professors of Scotch Law in Edinburgh University—the only other Professor of Scotch Law in Scotland teaching the law regularly—were perfectly eligible, even under the Act 1 & 2 *Vict.*, for the Sheriffship of a county, because they can be in attendance at the Court, their Professorship requiring them to be resident in Edinburgh, they were able at any time to put on wig and gown and go down to the Court; in point of fact, they had the case of gentlemen holding the appointments of Professors of Civil Law and Scotch Law in Edinburgh University, and also holding each of them a Sheriffship, for these two things were not held incompatible except in the case of the Sheriffships of Lanarkshire and Edinburgh, the Sheriffs of which places were required to devote their whole time to the discharge of the duties of their appointments. Therefore, Professor Berry's position was so far unique that he was under the Statute referred to shut out from that which other Professors of Law might aspire to, and his appointment as Sheriff of Lanarkshire now required confirmation. He (Mr. J. H. A. Macdonald) had looked very carefully into the matter, and he was of opinion that a great deal might be said on the point whether his appointment as *interim* Sheriff did not, in point of fact, constitute Professor Berry actually a Sheriff; but he would not play upon that point, as he was not sufficiently clear upon it, being sure that the inconvenient results following from the Statute had not been intended by its promoters, and that it was not intended to exclude men from positions which their training and their constant work at the law and their residence among a mercantile community, and their consequent experience in dealing with cases of mercantile law fitted them for. Convinced that it was not the intention of the framers of the barring Statute to exclude such men from the positions for which they would thus become peculiarly qualified, he would ask the House to agree with him that the objection to Professor Berry's appointment was merely a technical one; that in selecting Professor Berry for the appointment he had chosen a thoroughly fit and qualified man for the discharge of the important duties of the office; and he would, therefore, ask the House to give the Bill a second reading for the purpose of confirming the appointment.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Lord Advocate.*)

MR. ANDERSON (Elgin and Nairn) said, that, to his mind, what the right hon. and learned Lord Advocate chose to call a mere technical point raised a question of very great importance, because this Bill, which had only been delivered to them yesterday morning, sought to repeal the clear and distinct provisions of the Act of 1 & 2 *Vict.*, as far as Mr. Berry was concerned. He was rather surprised to hear a Statute of the Queen called by a Law Officer of the Crown "an old Act." To his mind, it did not come under that category. It was not proposed to repeal the Act, or alter it generally; but it was proposed, by *ex post facto* legislation, virtually to repeal it so far as this gentleman was concerned. He had made considerable search into the subject, and was unable to find any precedent for the present proposal. He had listened with some attention to the right hon. and learned Lord Advocate, and was anxious to hear whether there was any precedent for such; and he was sure the House, before it acted on *data* of that kind, would expect to be furnished with precedents. The qualifications for the office of Sheriff had been inserted by the Legislature for the express purpose of preventing improper appointments. The Act of 1 *Vict.* provided that a gentleman must be in actual practice for three years in the Court of Session, or he must be a Sheriff-Substitute; and it did seem a strange thing that the Bill sought to set aside those provisions. The right hon. and learned Lord Advocate was anxious to take all the blame upon himself for the error which made the Bill necessary. He (Mr. Anderson) was bound to say that for the right hon. and learned Lord Advocate, who had the disposition of those important legal posts, to confess that he was in ignornace of the qualifications required was a most astonishing thing. But the Lord Advocate was not the only person consulted in those matters. There was the Solicitor General for Scotland, and the Lord Advocate's Law Secretary, who received £600 a-year for the purpose, he supposed, of keeping the Lord Advocate posted up in law; and was it conceivable that everyone in the Lord Advocate's Office was so supremely ignorant of this modern Act of Parliament? He did not think the statement of the right hon. and learned Lord Advocate was altogether satisfactory. He could not accept the statement that the appointment was made in ignorance. It was surely strange that the gentleman himself did not know. There were suspicious circumstances about the case which ought to be further investigated. Everybody knew that in Scotland the persons who looked forward to such appointments were the Sheriff-Substitutes. In Lanarkshire there were three or four persons of great experience, eminently fitted to fill the office, and who, in the ordinary course, looked to getting the offer of such appointments. The Legislature, in passing the Act, distinctly considered that Sheriff-Substitutes should have the appointment, because the section went on to say the gentleman appointed as Sheriff should be a barrister of three years' practice or a Sheriff Substitute, showing that it was contemplated that the proper persons to have the appointments were the Sheriff-Substitutes. There were several gentlemen of great experience, who had not merely acted for three months as *interim* Sheriff, but who were looked up to with great confidence, and who were admirably fitted for the post. It did seem extraordinary that they should have been passed over and a gentleman of three months' judicial experience selected. Well, people would say uncharitable things even of a Conservative Government. He was not imputing any corrupt motives to the right hon. and learned Lord Advocate; but people had the idea that when it turned out that the gentleman who got the appointment was a member of the Conservative Party, while those well fitted for the post were not of the same political creed, the political feeling might have something to do with the appointment. This was a matter which bore rather a serious aspect for the Government. It was not a local question, but a legal question, which had a much wider bearing than as affecting Lanarkshire alone. It was unfortunate as affecting the filling up of the whole of the judicial offices in the country. When the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) made Sir Robert Collier a Member of the Judicial Committee of the Privy Council, without breaking the terms of any Act of Parliament, by first appointing Sir Robert a Judge of the Queen's Bench Division for a week, the Conservative Party raised long debates on the appointment, and the right hon. Gentleman and the Liberal Party were denounced for a base attack against the administration of justice. He hoped the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) and other hon. Gentlemen who took part in the denunciation would follow a similar course on the present occasion, for this was a very much stronger case. In Sir Robert Collier's appointment the Act of Parliament was complied with; but in the appointment of Mr. Berry it had been violated. In the absence of any precedent, the House ought not to countenance such a proceeding by passing the Bill. It was said not to pass the Bill would be a great injustice to Mr. Berry. Well, someone must suffer. But he had no doubt means could be found to give Mr. Berry an opportunity of following the profession for which he was so eminently qualified. But he did not think they should be led away by considerations of this kind into making such a precedent as was proposed by the Bill. The right hon. and learned Lord Advocate said Mr. Berry was a gentleman well fitted for the post. So was Sir Robert Collier. But that ought not to be taken into consideration in dealing with a question of this kind. The question was—Would the House be justified in sanctioning an *ex post facto* repeal of an Act of Parliament? He (Mr. Anderson), for one, would give this Bill his most determined opposition, and he begged to move that the Bill be read a second time that day three months.

Sir GEORGE CAMPBELL (Kirkcaldy, &c.), in seconding the Amendment, said, he earnestly and strongly protested against the way in which this purely personal Bill had been placed before very important general Bills, so that they must either pass this Bill or run the risk of losing other important Scotch Bills which stood after it upon the Paper. That was a course altogether unjustifiable. As regarded the merits of the Bill, its Preamble was not justified, because it began with the phrase "doubts having arisen." There were not, nor could there be, any doubts about the illegality of the appointment. He did not doubt the good faith of the right hon. and learned Gentleman the Lord Advocate; but he was exceedingly surprised that a man in his position should have been so ignorant of the law regulating the appointment of Sheriffs. As a mere lay Scotsman, he (Sir George Campbell) was cognizant of the fact that the appointment of Sheriff was restricted to members in actual practice at the Bar or to Sheriff-Substitutes. In fact, he knew that, as a lay boy, 50 years ago. He did not attach much importance, as a rule, to letters in the newspapers; but an important letter had appeared from a Sheriff-Substitute in Glasgow, who said he had no personal interest in the matter, as he was an old Sheriff-Substitute, and did not look for promotion; but in the interest of his class he protested against Mr. Berry's appointment, and against an *ex post facto* Bill brought in at the end of a Session to repeal an Act of Parliament. He (Sir George Campbell) thought there was very great justice in the complaint. He looked upon the Sheriff-Substitutes as an ill-treated class. They were the most important class of judicial officers in Scotland. They did nine-tenths of the judicial work in Scotland. They were not very highly paid; and it seemed to him the only reason why a man of talent and ability should occupy the position of Sheriff-Substitute was that there was promotion open to him in his own service. It had been too often the case that the Sheriff-Substitutes were passed over, and the appointment as Principals given to gentlemen practising at the Bar. But if they were to go beyond the leading members at the Bar, they were, in his opinion, bound to do justice to the claims of the Sheriff-Substitutes, and hence he protested against the Bill. It might be said a mistake had been made, and the Bill was requisite to legalize the decisions of Sheriff Berry; but the Sheriff-Substitute, to whose letter he had referred, expressed the opinion, as a judicial officer, that acts done by Sheriff Berry were not illegal and did not require a Bill. All that that Bill would do was to justify and perpetuate this illegal appointment. If it were necessary to legalize the decisions come to by Sheriff Berry, he was quite willing to agree to the passing of the Bill; but to go beyond that, and legalize this illegal appointment, was a measure which he felt himself bound strenuously to oppose. As a matter of public justice and in the interest of the country he hoped that the House would refuse to pass the Bill. He repeated that he not only opposed the Bill on its merits, but also protested against its being put before the Secretary for Scotland Bill and the Technical Education Bill. He begged to second the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Anderson.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. S. WILLIAMSON (Kilmarnock, &c.) said, his first impulse had been to assist the right hon. and learned Gentleman the Lord Advocate (Mr. J. H. A. Macdonald), whose geniality and courtesy they all appreciated very much, out of this dilemma; but he was now compelled to support the Amendment, and that very much because of a letter which had appeared in the public prints, signed by Sheriff Guthrie—a man of great capacity and of much more experience in the administration of the law than Professor Berry. Sheriff Guthrie, in that letter, said—and he was sure Sheriff Guthrie would not say anything which he did not believe—that Mr. Berry had no special or peculiar fitness for the office. In the second place, he pointed out that the appointment had been made from political considerations; and, in the third place—and this was a very important branch of the statement—he said that Sheriffs-Substitute had been refused increase of salaries. For what reason? Because of the likelihood there was of their being made Sheriffs - Principal. Now, he (Mr. S. Williamson) thought that by such action as this they did these Substitutes, especially the very able men among them—as Sheriff Guthrie was—a very great injury, wrong, and injustice; and on these grounds he was bound, however anxious he might be to assist the right hon. and learned Lord Advocate out of this dilemma, to support the Amendment.

Mr. ASHER (Elgin, &c.) said, the circumstances under which the Bill was introduced furnished large material for pungent and severe criticism. But he thought there must be a general agreement that the statement of his right hon. and learned Friend the Lord Advocate (Mr. J. H. A. Macdonald) was not wanting at least in frankness, because he had very candidly taken upon himself the entire responsibility for this occurrence, and had very distinctly stated that it was a pure oversight or mistake. He could not, therefore, agree with the hon. and learned Member for Elgin and Nairn (Mr. Anderson), who had expressed a disinclination to accept that explanation. He (Mr. Asher) accepted it fully; but, at the same time, there were certain matters in connection with this appointment which he thought it was necessary to keep in view. In the first place, it should be clearly understood that there was a statutory qualification for the office, and it was that the person appointed should either be in practice before or in habitual attendance upon the Supreme Court in Scotland. His right hon. and learned Friend raised a question as to whether the appointment of Professor Berry as a temporary occupant of this office did not, to some extent, put upon him a qualification for it which he would not otherwise have had. He entirely dissented from that view. He did not in any way sympathize with the view that Professor Berry was to any extent qualified for the receipt of this appointment through the fact that he had for a short time been appointed to assist the late Sheriff Clark. He thought it would be a clear and direct evasion of the Statute to take a person who was not qualified to put him in temporarily for a short time, and then to promote him to the vacant office. It was perfectly clear that there was a distinct statutory qualification necessary; and he thought it was equally clear that Professor Berry had not that qualification. The result of that was a somewhat serious situation. The result of it was that with reference to an important public appointment in Scotland, with regard to which the Legislature had enacted that only persons qualified in a particular way could be appointed, the Executive had, in breach of the Statute, appointed a non-qualified person. He should be the very last person to any extent to minimize the serious character of such an act on the part of the Executive. He must also dissent from the view of his right hon. and learned Friend that this was a matter as to which there was not a general knowledge, and that it was embodied in an ancient Statute. He could not say that it was an ancient Statute that embodied this rule. It was the 2nd section of the leading Act regulating the constitution of the Sheriffs' Courts in Scotland, and it was contained in the section which prescribed the duties to be performed by the Sheriffs-Principal in Scotland; and, therefore, it was a section with which all judicial officers in Scotland must be held to be familiar. He would go further, and say that it was a matter of general knowledge. At the same time, he quite acknowledged that this matter had not occurred to anyone until quite recently; but, then, there was a difference between the non-occurrence of a point of this kind to a person who had not the duty of considering it, and the failure to take note of it on the part of those whose minds were particularly directed to it. On all those points, therefore, he was bound to say it seemed to him the Bill raised a question of very considerable importance. But the practical question which remained was this—Was the House to take a step, or was it not, which would have the effect of compelling Professor Berry, who was at the present moment acting Sheriff of Lanarkshire, to vacate that office? Of course, now that the Bill had been presented to the House, and doubt had been cast upon Sheriff Berry's title to discharge his judicial functions in Lanarkshire, it was quite impossible that he could continue to hold office if the House should decline to pass the Bill. Therefore, with all the considerations in his mind to which he had adverted, he was bound to say, interested as he was in the administration of law and justice in Scotland, he preferred to put all considerations aside in connection with a Bill of this kind in favour of what he believed to be best for the interests of Lanarkshire. There was one part of the statement of his right hon. and learned Friend the Lord Advocate to which he was glad to give his concurrence. He thought the rule as to the definition of the qualification of Sheriff was a sound rule, and he did not understand the Lord Advocate to suggest the contrary. The Lord Advocate did not propose any general alteration of the law, as the rule was a sound one, and ought to be maintained; but there were exceptions to all rules, and he was glad to state publicly his conviction that, apart from the question of want of statutory qualification, Professor Berry was a perfectly suitable person to appoint Sheriff of Lanarkshire. He had been a member of the Scottish Bar of some standing. He had practised for a considerable time. He had been appointed Professor of Law at Glasgow, and had ably discharged the duties of his Chair. And his legal qualifications were so appreciated by the commercial community in Glasgow that he had been repeatedly appointed to act as arbiter in important disputed cases. The particular qualification which he wanted was that he was not in habitual attendance upon the Supreme Court. Now, he (Mr. Asher) was bound to admit that the statutory qualification would be satisfied by a counsel being in attendance upon the Court, although he might not have a very large practice; because there was nothing in the Act which said that the person to be appointed should hold a certain number, or any, briefs. If he was in attendance on the Court waiting for briefs, he should be bound to hold that he had the statutory qualification. In the general case, it was extremely desirable that persons appointed to these important judicial offices should be persons who, up to the date of their appointment, had been constitutionally in touch with the administration of the law in the Supreme Court, or that they should themselves be discharging judicial functions as Sheriffs-Substitute in Scotland. He did not know that the appointment was jusfied in this sense that there was any scarcity of perfectly suitable men. He had no hesitation in saying that in the ranks of the Sheriffs-Substitute or of practising advocates perfectly eligible men could be found; but still Professor Berry, he was bound to admit, had, in his judgment, qualifications fitting him for the performance of the duties of the office. He had resigned his Chair under a misapprehension. He (Mr. Asher) was sure, for he was convinced, that had it occurred to the Professor that he was disqualified, he would have brought it to the notice of the right hon. and learned Lord Advocate. He (Mr. Asher) believed there had been a joint mistake between the right hon. and learned Lord Advocate and Professor Berry in that matter. Professor Berry had resigned his Chair. He was discharging the duties of Sheriff, and doing so, so far as he could hear, to the satisfaction of the community amongst whom he was placed; and the practical question, therefore, was—Was the House to take advantage of a technical mistake—he admitted a very grave mistake—for the purpose of producing all the confusion which would result, and the hardship which, he thought, would result in the case of Professor Berry—in compelling him to vacate this office, and without probably doing anything to improve the administration of law and justice in Lanarkshire? Looking at the matter as a practical man, and in the interest of the administration of law and justice in Lanarkshire, he thought it was most important that the House should, in the course of that debate, place on record its sense of the absolute importance of the Executive regulating their procedure strictly by the law in regard to all these appointments. But, directing his attention to this particular case, he confessed his opinion was that the most expedient thing, in all the circumstances, was to do what they could to rectify this mistake, and to allow Professor Berry to continue to discharge the duties of Sheriff of Lanarkshire.

Dr. CAMERON (Glasgow, College) said, as one of the Members representing the constituency which was most concerned in this matter he would like to say a word or two. Professor Berry was a Conservative, and consequently a political opponent of his own, and therefore he had no reason to condone any political job in favour of Professor Berry if he believed that anything of the sort had been perpetrated; but he was perfectly certain that nothing of the sort had been perpetrated. His hon. Friend the Member for Kilmarnock (Mr. S. Williamson) had spoken of suspicious circumstances, and had quoted a letter from Sheriff Guthrie. But surely, if a political job were to have been perpetrated in connection with this appointment, it would hardly have been attempted in a case that could afterwards be attacked on legal grounds. There were plenty of Tory briefless barristers in Parliament House, any one of whom might have been selected for political reasons, and set up as a Judge in Lanarkshire. There was no necessity to go to the Professor of Law in Glasgow University if a job were to be perpetrated. He was entirely in favour of appointing Sheriff-Substitutes to the Office of Sheriff-Principal; but he wished, in all fairness to the Government, to explain why in this particular case such an appointment could not well have been made. First, however, he would point out that the intention of Parliament that a Sheriff-Substitute should always be appointed Sheriff-Principal as a vacancy occurred was by no means so clear as some of his hon. Friends had assumed. Until very recently, if a Sheriff-Principal became ill, it was impossible to provide a temporary substitute for him, and he was obliged to get on with his duties as best he could or be turned adrift. The late Sheriff Bell, when he was Sheriff of Lanarkshire, became seriously ill, and he was obliged to go on with his work to the very last in a way that aggravated his illness and hastened his death. That created a considerable sensation in Scotland at the time. His death occurred shortly before an Election, and great complaints were made against the then Lord Advocate for the way in which Sheriff Bell had been treated. After the Election he (Dr. Cameron) called attention to the defect in the law, and the result was that an Act was passed entitling an *interim* Sheriff-Principal to be appointed in case the Sheriff-Principal should fall ill. The House was well aware, whenever a private Member introduced a Bill, he was always taunted with the drafting, even although he had gone to a professional draftsman to draft his Bill for him. But when a Government Bill was brought in the drafting, in practice, often proved to be of the worst possible description. It was perfectly evident that one course or other should be pursued with regard to the Act legalizing the appointment of *interim* Sheriff-Principals. It should either have required from the *interim* Sheriff-Principal the same qualifications as were required from the permanent Sheriff-Principal, or it should be laid down that a person who acted as *interim* Sheriff-Principal thereby acquired the same qualification as if he had been Sheriff-Substitute. But the Act did not do that, and had left the matter altogether undecided. The result was that in the present case the right hon. and learned Lord Advocate not unnaturally fell into the mistake which had been explained to the House. He would point out that it was not only the right hon. and learned Lord Advocate who fell into the mistake of imagining that there was no legal impediment to Sheriff Berry's appointment. It was said he should have known. Of course he should, but the fact was that none of the Sheriff-Substitutes in Glasgow knew of the impediment, and he was perfectly certain that Sheriff Berry did not know, or he would have taken very good care to have the matter cleared up before he gave up his Professorship. Therefore, if the Lord Advocate was to be twitted with his ignorance on the subject, at all events he shared the ignorance in common with the whole of the Legal Profession, even in common with the learned "lay boy" (Sir George Campbell), who, if he had had anything but a very hazy and *ex post facto* knowedge of the subject, would surely not have failed to put a Question to the Government about it some months ago. As he had said, he was entirely in favour of Sheriffs-Substitute being promoted to be Sheriffs-Principal. It stimulated good men to take the minor appointments. But it was necessary to explain why such a promotion could not have been made in this case. It had been said that it was the course always pursued in the Courts of Glasgow; but that was not so. The first time it was done was in the case of Sheriff Bell, then in the case of Sheriff Dickson, then Sheriff Clark—these all being Sheriff-Substitutes of Lanarkshire, who were promoted to Principalships when vacancies occurred. But when Sheriff Clark was appointed he was not the senior Substitute, for there was at least one Sheriff-Substitute above him in seniority; but that gentleman gave way, conceding that Sheriff Clark was the fittest man for the appointment; and Sheriff Clark was also recommended to the Home Secretary by the other Sheriff-Substitutes. But on this occasion what occurred? Sheriff Clark's illness was a protracted one, and, with one exception, all the Sheriff-Substitutes in Lanarkshire were applicants, and that fact rendered it impossible that any one of them could be appointed. To his mind the fittest man was the senior Sheriff-Substitute, the gentleman who had previously waived his claim; but his appointment would have given mortal offence to all the others. Each of them had sent in his claim, backed up by all the influence he could muster, and it was rendered almost impossible to follow the excellent precedent which had been set by previous appointments. It had been said that political motives might have actuated the appointment of Sheriff Berry; but he would venture to say that if Sheriff Guthrie, who made that assertion, who was himself an applicant, and who, he believed, made Sheriff Murray's appointment an impossibility, owing to his sending in an application, had been appointed, he would have denounced the appointment as a political job, for the very reason that Sheriff Guthrie, while Returning Officer at a recent Election in Glasgow, thought it compatible with his position as Sheriff and Returning Officer to allow his name to be used for electioneering purposes against himself and his colleague, Mr. Gilbert Beith. It was also fair to remember that when a vacancy in the Sheriff-Principalship had occurred in Glasgow, it had always been the outcry from the Legal Profession in Glasgow that a local man should be appointed, and they were jealous of the appointment of a man from Edinburgh or elsewhere.

Sir GEORGE CAMPBELL: They are all Scotch.

Dr. CAMERON said, he therefore thought they might pass by the appointment without attributing to the Lord Advocate anything worse than an inadvertence and an ignorance of the law which he appeared to have shared with all the Legal Profession in Scotland. As to the question whether Sheriff Berry's appointment should be legalized, that was a matter with which he did not particularly concern himself. It appeared to him it would be a vindictive thing, when the matter had been allowed to go on for so long, and Sheriff Berry had severed his connection with the University, and dropped the advantage of service which would soon have entitled him to a pension, as well as given up his practice as arbitrator, which, in connection with his Chair, must have been very valuable, to turn him adrift now. If the House chose to do so, that was no matter to him, for Sheriff Berry was not a political supporter or personal friend of his own. Still, he thought it would be fairer and less invidious to confirm the appointment. But what he was most concerned about was the passing of a Bill to validate the acts done by Sheriff Berry. That was the most important thing. Whoever was to blame for the appointment, certainly the litigants who had come before him since he was appointed ought not to be punished. It had been stated to the House that Sheriff Guthrie thought it was not necessary to pass an Act for the purpose; but on this point Sheriff Guthrie contradicted himself, because he went on to say—

> "It is quite certain that no judgment or act of Sheriff Berry can be set aside, or invalidated, until, at least, commission has been solemnly declared to be unlawful in an action. for which it is difficult to find a precedent in Scotland, directed for that purpose against the Lord Advocate himself."

Sheriff Guthrie went on to point out that it was not likely that any suitor would raise an action against the Lord Advocate for that purpose; but according to his own showing it was quite on the cards that some disappointed suitor might do so, and the result would be that doubt would be cast upon all the important judgments that had been given during the last year at the Sheriff Court of Lanarkshire. There was no doubt as to the technical meaning of the Statute. He therefore thought that Sheriff Guthrie's own admission showed that there was a necessity for passing an Act validating the judgments of Sheriff Berry while he had held office, and that it was a duty which the Lord Advocate owed to the people of Lanarkshire, for having placed them in a position of any doubt on the subject, that he should take care that that doubt should be removed by legislation.

Mr. MASON (Lanark, Mid) said, he hoped the discussion would soon be closed, so that they might reach other Bills which were, in his view, of much greater importance, and for that reason he should give his vote in support of the second reading of the Bill. After the frank confession which the right hon. and learned Gentleman the Lord Advocate (Mr. J. H. A. Macdonald) had made of the mistake he had committed in the appointment of Professor Berry to the Sheriffship of Lanarkshire, he thought it would be most ungenerous on the part of the House not to pass the Bill, considering also that Sheriff Berry, who was a political opponent of his, was doing his work satisfactorily to the general public so far as he could learn. Looking to the fact that Professor Berry had resigned his Professorship, he thought the House would do a very hard thing if it deprived him of his present position by refusing to pass the Bill. He considered that the right hon. and learned Lord Advocate ought to have given the appointment to one of the Sheriffs-Substitute. A Sheriff-Principalship was a prize to which the Sheriffs-Substitute were entitled to look forward. The right hon. and learned Gentleman had been subjected to some very sharp criticism for making the appointment. That criticism, he thought, was quite sufficient, and they ought now to go on to the other Business before them. Supposing the House did not pass this Bill, and the appointment were set aside, what would become of all the decisions given by Sheriff Berry during the past 12 months? He supposed another Bill would be required to validate his decisions, or the mind of everyone who had had a case before Sheriff Berry would be unsettled. He asked the House now to come to a vote on the Bill.

Mr. J. A. CAMPBELL (Glasgow and Aberdeen Universities) said, that admittedly there had been a mistake in this matter, and others besides the right hon. and learned Lord Advocate must share the blame for not discovering the mistake. Sheriff Berry must take his share; the Sheriff Substitutes—several of whom were candidates for the appointment of Sheriffship—must take theirs; all of them had overlooked the clause in the Act of 1 & 2 *Vict.* which had been referred to.

An hon. Member: And the Home Secretary.

Mr. J. A. CAMPBELL: Yes; and the right hon. Gentleman the Home Secretary, too, had overlooked it. But it was worth while for a moment to consider what the mistake really amounted to, and what kind of qualification it was in which Sheriff Berry was deficient. If it had been a qualification that had a necessary bearing on the discharge of his duties—upon his fitness for the office of Sheriff—it would have been more serious than it was; but the qualification wanting was merely attendance at the Court of Session. Such attendance did not necessarily imply any additional fitness for the office; and if Sheriff Berry wanted that qualification, he (Mr. J. A. Campbell) contended that he possessed a higher one, for, instead of being in attendance at the Court of Session, he was teaching law, and acting as an arbitrator in matters of law in Glasgow. What he was doing in Glasgow which necessitated his want of the other qualification was more useful in his preparation for the duties of Sheriff. Therefore, if the technical difficulty could be got over, he did not see that the public interest could suffer from what had been done. Reference had been made to the possibility of his right hon. and learned Friend having been actuated by political considerations in this appointment. He (Mr. J. A. Campbell) was sure that he was not; but, if he was, he had no occasion to appoint Sheriff Berry, because there were other candidates for the appointment who were quite as strong Conservatives. He (Mr. J. A. Campbell) was amused to find that the hon. Member for Kilmarnock (Mr. S. Williamson) was so much influenced by a letter he had seen in the newspapers. Probably he was not aware that that letter was written by a disappointed candidate for the appointment. As the letter referred to himself, he might say that he could confirm its statement, of which he was proud, that he had the friendship of Professor Berry. That gentleman was universally respected in Glasgow, and he (Mr. J. A. Campbell) would be confirmed by all who knew the facts when he said that Mr. Berry's services in his new position gave universal satisfaction, not only to the general public, but to the Profession and the Bar in Glasgow. He hoped the House would have no hesitation in supporting the Bill.

Mr. SINCLAIR (Falkirk, &c.) said, he hoped that whoever were responsible in the future, the merits of Sheriffs-Substitute would be taken very seriously into consideration in appointments of this kind. He knew from the public opinion in Lanarkshire that all the Sheriffs-Substitute who were candidates in this case were thoroughly qualified to take the post of Sheriff, and it would have given great satisfaction to the public if one of these gentlemen had been appointed. But, after all, the practical question was more important than the personal one, and the great point was to have the decisions which Sheriff Berry had already given in the cases that had come before him confirmed, so that no further doubt could be thrown upon them. The hon. Member for the College Division of Glasgow (Dr. Cameron) had referred to cases in which litigants might desire to retain their claims under the circumstances of the irregularity of the appointment of Sheriff Berry. One such case had come to his knowledge. It would be in the recollection of the House that some serious riots occurred in Lanarkshire in the beginning of February, in consequence of which troops were ordered by the Sheriff to preserve the peace.

Mr. SPEAKER : These remarks are not in Order. The Question before the House relates to the appointment of a gentleman to an office to which he has been appointed *de facto*, and the question now is whether he has the requisite qualification. The observations now being offered are apart from the question.

Mr. SINCLAIR said, he would not pursue the line he was commencing, but would content himself with asking that the rights of those who were interested should be in no way damaged by this Bill.

Mr. MUNRO-FERGUSON (Leith, &c.) said, he hoped that the advice given by the hon. Gentleman the Member for Mid Lanark (Mr. Mason) would be followed, and that the House would be allowed to proceed with the more important Business that was to follow. All the facts were admitted, and there was nothing to keep them from coming to a Division. No one could dispute that the question had been discussed at as great a length as was justified by its importance. Almost half the Sitting was already gone, and if every lawyer and every Member for Lanarkshire and Glasgow thought it necessary to address the House there would be a very remote chance of the important work they had before them being carried through. He did not believe either that public opinion in Scotland would support them in prolonging the discussion.

Mr. MARJORIBANKS (Berwickshire) said, he desired to support the appeal of his hon. Friend (Mr. Munro-Ferguson). There was other Business of great importance, interesting to the people of Scotland generally, and he therefore hoped his hon. Friend would be satisfied with the discussion that had taken place, and allow a Division—if there was to be one—to be taken now, in order that they might proceed with other measures.

Mr. CONYBEARE (Cornwall, Camborne) said, he failed to see why the right hon. Gentleman the Member for Berwickshire (Mr. Marjoribanks) should be in such a hurry to close the debate and to cover the neglect and deficiencies of Gentlemen who sat on the Ministerial Front Bench. It was all very well to say that this was a question which only affected Scotland; but he (Mr. Conybeare) believed that, when all the circumstances of the case were considered, it would be apparent that the matter did not only affect a particular district in which mischief had been done, but the whole country. That being so, he wished in a few words to express his opinions on the Bill before the House. He had nothing to say as to the personal qualifications of Mr. Berry, the Sheriff. He might be, and for aught he knew to the contrary was, the most qualified man in Scotland for the position of Sheriff; but what they had to consider was whether an appointment of the kind could be made, and ought to be made, in defiance of the law by Gentlemen who were supposed to be the Law Advisers of the Crown, without being met with strong reprobation from the House of Commons. The Bill said that doubts had arisen as to the appointment of Mr. Berry. No doubts whatever had arisen, and if he had no other objections to the Bill he had this one—that it misrepresented the circumstances under which its introduction became necessary. It was perfectly apparent to everybody that the appointment of Sheriff Berry was in defiance of the Statute Law; and, therefore, the correct title of the measure now before the House should have been " a Bill to relieve the Lord Advocate for the time being of the pains and penalties which his ignorance of the law and general neglect of all the circumstances have caused him to incur." If the Bill were put in that way and passed it would be a standing record of the actual facts. But to say that the Bill was necessary because doubts had arisen relative to Sheriff Berry's appointment was, to his mind, a perversion of the facts. If this was not a job, he (Mr. Conybeare) did not know what was. He had a recollection of what had been said and done with reference to other appointments, notably that of the late Lord Monkswell, when he was Sir Robert Collier; and, in view of the course taken by the Opposition then, he insisted that those who objected to the appointment of Sheriff Berry had the best reason for taking a strong course in the matter now before the House. They were as much justified in reprobating the action of the Government in appointing Sheriff Berry as their political opponents were in denouncing the promotion of Sir Robert Collier. But the right hon. and learned Lord Advocate was not the only official to blame in the matter. Ought not the right hon. Gentleman the Home Secretary to be included in any censure, seeing that the appointment of Sheriff Berry was confirmed by him? If the right hon. and learned Lord Advocate and the right hon. Gentleman the Home Secretary could not make appointments of the kind without displaying such ignorance of the Statute Law, he considered they were not fit for the positions they held.

MR. MACDONALD CAMERON (Wick, &c.) said, he thought those hon. Members who wished to castigate the right hon. and learned Lord Advocate for this appointment had had full satisfaction. He hoped the Bill would not be passed; but he would suggest this compromise—that the appointment of Mr. Berry to the office of Sheriff should not be confirmed by the House, and that he should be indemnified for the loss he had suffered by having to resign his Professorship in the University. If the House would agree to some such compromise as that, he thought the matter could be amicably settled. It was evident that the country was against the appointment, and he could not understand why the Government should persist in putting forward this Bill in the teeth of such opposition as had been offered to it.

DR. R. MACDONALD (Ross and Cromarty) said, that as a serious allegation had been made against the right hon. and learned Lord Advocate, the right hon. and learned Gentleman ought to have the opportunity of saying whether that part of the letter that appeared today contained in inverted commas was correct—namely, that he (the right hon. and learned Lord Advocate) would "put a stop to the promotion of Sheriffs-Substitute"—a system which he (Dr. R. Macdonald) considered had been of great advantage, especially to the remoter districts of the country, by insuring the supply of a more efficient class of men for the office.

MR. J. H. A. MACDONALD said, he might say in perfect good faith that he had never made any such a statement.

DR. R. MACDONALD said, he was glad to hear it, because he considered that since Sheriff-Substitutes had been able to be promoted to the Shrievalty they had had a better class of men coming forward. He was pleased to know that the right hon. and learned Lord Advocate was able to disavow the statements in the letter.

Question put.

The House *divided*:—Ayes 136; Noes 53: Majority 83.—(Div. List No. 370.)

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *Friday*.

SECRETARY FOR SCOTLAND ACT (1885) AMENDMENT BILL [*Lords*].

(*The Lord Advocate.*)

[BILL 360.] SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities), in moving that the Bill be now read a second time, said, it would not be necessary to occupy much time in describing the Bill, as it was well known to all the Scottish Members. He might say generally that it was for the purpose of extending the powers of the Secretary for Scotland, and giving him charge of numerous matters not placed under his control under the Bill of 1885. Considerable inconvenience was found to exist in certain matters in consequence of the jurisdiction of the Secretary for Scotland being so limited; and it was thought desirable, both for the purpose of raising the powers of the Office, increasing its dignity, and preventing complication and inconvenience to the public, that this Bill should be brought in. The Bill was quite short, and he did not require to go over its provisions. So far as it went, he believed it would be practically acceptable to all the Members from Scotland. He trusted that, after reasonable discussion, the second reading would be agreed to.

Motion made, and question proposed, "That the Bill be now read a second time."—(*The Lord Advocate.*)

SIR GEORGE CAMPBELL (Kirkcaldy, &c.) said, that Bill had been discussed a good deal, and it was discussed in the House last night; but he did not think it would be decent to allow it to pass its second reading without some little discussion. The result of last night's discussion was to show that the Scottish Members were eminently dissatisfied with the present state of things. But they were pretty well agreed that the remedy was not to go backwards, but forwards; and instead of abolishing the Office of Secretary for Scotland, which was so far a failure, they ought to add to the duties and make the Scottish Secretary a more important officer. In that way they might at last attain the object they had long aimed at, to have a more distinctive administration, so that the business of the country might be better attended to, and that they might have an opportunity in the House of obtaining information to questions from a responsible officer in regard to Scottish affairs. In consequence of the Secretary for Scotland being in the House of Lords the Scottish Members in reality found themselves, for all practical purposes, worse off than before; because formerly they had the Home Secretary and the Lord Advocate in the House, from whom they could get any information they wanted. But the present Secretary for Scotland was in a superior sphere—up in the clouds, so to speak—and they could not get at him. The Lord Advocate was himself placed in a very humiliating position. He was a sort of inferior Under Secretary—a kind of mouthpiece in the House of Commons to the noble Lord who was Secretary for Scotland. The Lord Advocate had descended from the high position formerly held by his Predecessors. It would be very much better for the administration of Scottish affairs that the Secretary for Scotland should be in the House of Commons. He hoped the Bill, if passed, would transfer the administration of law and justice in Scotland from the Home Office to the Secretary for Scotland; for it was quite plain, as the result of the discussion yesterday, that at present the establishment of the Secretary for Scotland had not work enough. He thought the Bill was a step in the right direction, and that they might yet be able to go a good deal further. He did not wish to raise the question as to whether the Secretary for Scotland should not be an officer of much higher position—a Secretary of State, with, perhaps, a larger salary. But he was inclined to think, looking to the political difficulties with regard to making a sixth Secretary of State, and also in regard to the salary and other reasons, it would not be desirable to press this matter too much. He thought it would be enough to accept the Bill in its present form, as they would have made a considerable step in the direction of extending the duties of the Office. With regard to the Scottish Secretary being raised to a higher position, and if possible included in the Cabinet, he noticed that in the discussion on the previous night an effect was produced upon the minds of some hon. Members by the suggestion that they had only some 12 or 14 Members to choose from when a Conservative Ministry was in Office. He confessed that there was a good deal in that objection; but he got over the difficulty by dissenting from the doctrine that it was absolutely necessary that the Scottish Secretary should be a Member for a Scottish constituency. There were always a number of distinguished Scotchmen who sat for places outside of Scotland, especially among those who sat on the Conservative side; and, for his part, he would be quite willing that the choice should be extended among them. He might take for illustration the case of the Chief Secretary for Ireland at that moment. He was a Scotsman; but the Under Secretary (Colonel King-Harman), who, whatever his virtues and his faults, was a most typical Irishman, and so properly held an Irish Office, sat for an English constituency because he could not get an Irish constituency to return him. That difficulty, therefore, he did not think need stand in the way. He did think that the Scottish Secretary should have more work, more rank, and more consideration, even although it might not be possible to make him by law a Cabinet Minister—such a rank in the Government as would insure that Scotch legislation should not be shunted, as was now the case, to the month of August. There was one provision in the Bill to which he wished to allude.

It was that which, while transferring to the Scottish Secretary the Department of Law and Justice, exempted from him the right of advising Her Majesty as to the exercise of the prerogative of mercy. That, he thought, derogated from the dignity of the Office, and he hoped they would have an explanation of it from the Government. The Scottish Secretary, advised by the Scottish Law Officers, would be infinitely more able to advise on such matters than the Home Secretary; and therefore he hoped the exemption would be withdrawn. With these observations, he heartily supported the Bill, and hoped they would have Committee on it on a very early day.

MR. CHILDERS (Edinburgh, S.) said, he would make a few remarks on this Bill, not as a Scottish Member, but as one who had held the Seals of the Home Office, and that recently; and what he was desirous of saying was that while he should certainly support the Bill, it appeared to him that it did not go far enough, and that it would be perfectly safe and much more convenient, as a matter of official and public arrangement, if the Secretary for Scotland were made a Secretary of State, or at least had all the functions in Scotland which the Home Secretary had in England. He said that distinctly from his experience. He became Secretary of State soon after the present system was established. He was bound to say that, having gone to the Home Office under the impression that it would not be desirable to create another Secretary of State, in lieu of the Secretary for Scotland, he left the Office quite convinced that that was the only practical arrangement, and that any compromise between the present system and that could not last, and while continued would be a great inconvenience. The Bill before them excepted from the function of the Secretary for Scotland, under the proposed reorganization of the business, the duty, in the first place, of advising Her Majesty as to the exercise of the prerogative of mercy. Now, it would be almost absurd that if they took from the Home Office, as was proposed, all supervision with respect to law and justice in Scotland, it was almost absurd to leave in the hands of the Home Secretary, when he knew nothing whatever of Scottish legal arrangements — for he would, under this Bill, cease to have any connection with them—this right to advise Her Majesty. The Home Secretary would exercise that prerogative with no knowledge whatever. His Office would know nothing about Scotch judicial affairs, so that he would be advised by persons in the Office who would have officially nothing to do with the subject whatever; and so even with the most able Home Secretary, one most anxious to do his duty, a greater risk of failure of justice he could not conceive. On that ground—were it on that ground alone—he thought it extremely inconvenient to transfer all the business connected with law and justice, and yet to retain that one and peculiar business of advising the Crown with respect to the exercise of the prerogative of mercy, not only in capital cases, but in far less important ones, with which the Home Secretary had daily to deal. It might be said that if they transferred to the Secretary for Scotland there were insurmountable difficulties in the way, because on technical grounds he could not have access to Her Majesty for the purpose of advising the exercise of the Royal Prerogative unless he were a Secretary of State. But he would point out that the Home Secretary had nothing to do with the exercise of the prerogative of mercy in Ireland, where there is no Secretary of State. At present all cases in which it was desirable to exercise the prerogative of mercy in Ireland were dealt with by the Viceroy and his Government at Dublin; therefore the technical difficulty which had been set up was no real difficulty at all. It was desirable that the Secretary for Scotland, having the whole of the departments connected with law and justice transferred to his charge, should also have as his right this right to advise on the prerogative of mercy, just as the Irish Department or every Governor of a Colony had. He hoped, therefore, that in this respect, even if the name "Secretary of State" was not given to the Secretary for Scotland, the Home Secretary would be relieved of this function. He admitted that if the Secretary for Scotland performed all the duties of a Secretary of State it would be better that he should have the title, and the only objection seemed to be that if they made his position that of a Secretary of State they would have to give him the salary of a Secretary of State.

But it did not at all follow that persons holding offices in Scotland or in Ireland should have the same salary as those holding offices in England, and it was not the case at present. There were a great many cases where the salary in Scotland or Ireland was not the same as the salary attached to a an office with the same title in England, for the very simple reason that the amount of business was far greater in English Departments than it was in Scotland or Ireland; and in settling the salaries of the great Officers of State, Parliament had always had regard to the amount of work which they were called upon to do, and the salaries were graduated accordingly. Therefore on that point he did not think there was any real objection to the Secretary for Scotland being or having the functions of a Secretary for State. He would have to discharge precisely the same duties, only of course in a smaller proportion, as the Secretary of State for England; and, having duties on a smaller scale, it would only be reasonable that his salary should be so much less. But there was another, and, he thought, very strong reason why the Secretary for Scotland should be a Secretary for State, and it was that from time immemorial every Secretary of State had been in the Cabinet, and it appeared to him most important that the Secretary for Scotland, considering the importance of his duties and responsibilities, should be a Member of the Cabinet. Now, there was no way he knew of in which that could be assured without his being made a Secretary of State. No promise made in debate by a Minister in this House would govern future Prime Ministers in selecting their Colleagues for the Cabinet. The Ministers in the Cabinet, excepting the Lord Chancellor, the Chancellor of the Exchequer, the Lord President, and the Secretaries of State, were selected by the Prime Minister, and it would be impossible to lay down any rule, except by Statute, which would guide future Prime Ministers. But so far as the Statute Book was concerned, the Cabinet was a body unknown to law. The Cabinet had never been mentioned in any Act of Parliament, nor in any formal Resolution of this or the other House. But it had always been the rule that Secretaries of State should be Members of the Cabinet, and if those sitting near him were of opinion that it was essential that the Secretary for Scotland should be in the Cabinet, the only practical way of carrying that wish out was to make him a Secretary of State. He had imported no politics into the discussion, and had said nothing about the question whether the Scottish Secretary should be a Member of this or of the other House. That would be altogether foreign to the purposes of the Bill, and could not be imported into it. But he thought it was important, now that they had an opportunity given them by the Bill, that they should take care that the functions of the Secretary for Scotland were the functions of a Secretary of State, including the duty of advising Her Majesty as to the exercise of Her prerogative of mercy. There were other exceptions, for instance, as to the control of reformatory and industrial schools in Scotland, which he thought should not be made. It would be very much better that these functions should be given to the Secretary for Scotland, instead of remaining with the Home Office. He strongly supported the Bill, and he only hoped that it would be carried further.

Dr. CAMERON (Glasgow, College) said, he was sorry that the Bill was not introduced at an earlier period of the Session, for at this late date it was utterly impossible to import into it Amendments of any consequence, and he was also sorry that the course pursued with regard to other Bills, as to which there was a strong desire existing among Scottish Members that they should be proceeded with, had not been followed in this case, and the Bill allowed to lie before the country until the commencement of the next Session, when it could have been proceeded with and discussed at leisure. He desired to place on record his opinion that the Bill would be a most unsatisfactory enactment, and could not be regarded in any respect as a final measure. It proposed to consolidate in the Secretary for Scotland some of the duties at present exercised in respect to Scotland by the Home Secretary. The principal duty which would be so transferred was that relating to law and justice. He presumed that the reason for this transfer was the duty which the Secretary for Scotland had to perform a year ago in connection with certain disturbances in the West of

Scotland, when he was the Minister who directed the use of the military forces then employed; but if that was the reason, he could only say that under the existing arrangements the Secretary for Scotland was able to enforce law and order in the most summary fashion, and by military aid. There were a number of offices which shared jurisdiction in Scotland with that of the Scottish Secretary. They had the Woods and Forests interfering in some matters, the Local Government Board in others, the First Commissioner of Works in others, while the Secretary to the Treasury also interfered in Scottish matters not relating purely to finance. If they wanted to have a permanent or satisfactory Act dealing with this matter they must consolidate all these details of administration in the Scottish Secretary. He would go further. There was one official intimately connected with the Scottish Office, and also with the Home Office—the Lord Advocate. When the Act appointing the Scottish Secretary was passed, it contained a provision that nothing in that Act should derogate from the duties and rights performed by the Lord Advocate, either by law or by custom. He knew that one motive which strongly actuated a number of Scottish Members with regard to the appointment of a Secretary for Scotland was the belief that the affairs of Scotland would be better administered in the hands of a trained lay politician than in the hands of mere lawyers—gentlemen appointed direct from Parliament House to the Treasury Bench without any previous administrative experience. If the Secretary for Scotland was to practically control the entire administration of Scottish affairs, they must follow the precedent of England and Ireland, and have the Secretary for Scotland administering the Office with legal officers only assisting him. This would necessitate a re-arrangement of the duties as between the Lord Advocate and the Secretary for Scotland. They were told that some arrangement had been come to, but it was a purely voluntary one. There was a great preponderance of opinion among the Scottish Members that the Secretary for Scotland should be a Secretary of State, thus securing for him a seat in the Cabinet. But that was a matter which it was evident they could not discuss in Committee, when the second reading was only carried on the 10th of August. They could only take the Bill as it stood, hoping that they might get more in the future. The Minister for Scotland would not be very often called upon to advise the Queen as to the exercise of Her prerogative of mercy, and while he agreed that he should have the power, he thought the infrequency of its use made it a matter of small importance. But the question of reformatory and industrial schools should surely be entrusted to the Scottish Secretary. Persons were constantly applying on account of a change in family circumstances for the removal of children from reformatories and industrial schools, and in all such cases applications had to be sent to the Home Office. These schools and reformatories were maintained to a great extent by local contributions: they were managed locally; and why, in the name of common sense, they should not be handed over to the Scottish Secretary he could not conceive. Reference had been made as to the question of salary in the event of the Scottish Secretary being a Secretary of State, but there was one way of solving the matter, which, though it might not commend itself to the occupants of the Front Bench, might yet possibly not meet with any hostility in the country. He suggested that some re-arrangement of the work of the various offices might be made, whereby with the total amount of salaries kept at the present sum, a salary equally liberal with the rest might be found for the Secretary for Scotland. There was another anomaly in addition to the industrial school question. It was proposed that the important question of technical education should remain with the Science and Art Department, instead of being entrusted to the Scottish Department; and he would again urge that there could be no satisfactory or adequate settlement which did not amalgamate all these departments, so far as Scotland was concerned, and put them in the hands of the Secretary for Scotland. He thought the right hon. Member for Edinburgh (Mr. Childers) had conclusively proved that it would be for the public convenience, and certainly in conformity with the national sentiment of Scotland that that functionary should be made a Secretary of State. He was certain that if they took the Bill now they would have to take it as it stood; and, if they did so, instead of waiting till it could be more satisfactorily discussed, the result would be that for many years to come the status of the Scottish Secretary would be determined, during which time nothing could be done to enlarge his Office in the direction desired by the Representatives of the people of Scotland.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS) (Birmingham, E.) said, that this was not to be a final Bill. It was called for by the difficulty which arose in preserving law and order in Scotland not long ago. Under the other Act, the Home Secretary was in theory responsible for law and order in Scotland. He was responsible for the employment of the military, for instance, if any occasion arose. On the other hand, the practical control of all these operations was almost of necessity—at any rate, as a matter of convenience—in the hands of the Secretary for Scotland. That created a position which he felt to be intolerable, that, as Home Secretary, he was responsible for movements that he did not control and direct; whereas the Secretary for Scotland, who was giving the orders requisitioning the troops, and directing the naval expeditions, as they were called, and taking all the steps for the preservation of law and order, was not legally responsible. That was a position which was untenable, and though this Bill might not satisfy the aspirations of the hon. Members representing Scotland, it was mainly intended to cure the anomalous and untenable position on the very important subject of law and order. He thought it fulfilled that modest object effectually, and so far was a useful Bill, which he hoped hon. Gentlemen from Scotland would not decline to accept. The right hon. Gentleman (Mr. Childers) criticized the reservations in the Bill, as he understood they were prompted by these reasons. The exercise of the prerogative of mercy was taken out for the reason of etiquette rather than anything else. It was because the Secretary for Scotland was not a Secretary of State, and it was only a Secretary of State who had direct access to Her Majesty at all times. In the case of Ireland there was no necessity for communication with Her Majesty, because the Lord Lieutenant was her direct representative, and exercised the prerogative of mercy himself. He (Mr. Matthews) had not himself felt any difficulty in the exercise of the prerogative of mercy, so far as Scotland was concerned, even though the Office of Secretary for Scotland had been in existence during the whole time he had been Home Secretary, for the reason that there was no difficulty in his communicating directly with the Scottish Judges. Therefore, if the Bill passed as it stood, and the powers of the Secretary for Scotland were extended as proposed, he did not anticipate any difficulty in the Home Office continuing to exercise the prerogative of mercy in the case of Scotland. It was said, why not make the Scottish Secretary a Secretary of State? Two reasons struck him. There was the question of expense. He did not believe in the possibility of keeping the Secretary of State of so important a country as Scotland permanently at a lower or different level than other Secretaries of State. The hon. Member for Glasgow (Dr. Cameron) suggested levelling down. He (Mr. Matthews) did not believe in inequality as to the emoluments and advantages of Secretaries of State, and he did not think it would last long. Then he saw an objection in adding to the necessary Members of the Cabinet. His experience was limited, but he thought Cabinets were already large enough; and to add another necessary and inevitable Member to every Cabinet seems to him an undesirable thing. With respect to the reservations as to the Reformatory and Industrial Schools Act, the Coal Mines Act, and the Factories and Workshops Acts, the idea was that it was desirable that the administration of these Acts and the rules and regulations concerning them should be uniform in all parts of the United Kingdom. It might be that the list of exceptions was not altogether well and wisely chosen, but still that was the idea which prompted their reservation. The functions transferred by the Bill to the Secretary for Scotland were certainly important enough. If he were driven to the wall, he should say they were so important that they would quite justify his being a Secretary of State, because he was now made responsible for law and order, which, after all, was as important a function as a Minister could discharge. This Bill was not a final one;

but though it did not give to Scotland all she wished and desired, he thought it was calculated to make what the circumstances of last year and the year before showed to be a necessary and pressing change. In that view, therefore, he trusted it would be accepted by the Scottish Members.

Mr. BUCHANAN (Edinburgh, W.) said, one statement of the right hon. Gentleman was satisfactory—namely, that the Bill was not to be looked upon as a final one. That statement might give Scottish Members an inducement to press the Government with the view of getting a little more. The question which to his mind bulked most largely in connection with the Bill was that raised by the Amendment of the hon. and learned Member for Elgin and Nairn, with reference to the Scottish Secretary being a Member of the Cabinet. He would have risen earlier if he had not expected his hon. Friend (Mr. Anderson) to move his Amendment, and he thought it would have been the most convenient course to have taken the discussion upon that question, so as to have obtained a very definite expression of opinion upon that substantial point. He did not care very much whether the Secretary for Scotland was called a Secretary of State or not, nor did he want him to have a larger salary than he had at present. He thought £2,000 was quite enough for the duties he at present discharged, and probably it would be enough for the discharge of the duties which would hereafter be laid upon him. He thought the question of salaries paid to Secretaries of State was one for the nation; and he hoped it would be considered seriously in the future whether they were not too highly paid. But what they really did want was that the Secretary for Scotland should be a Member of the Cabinet. During the time that the Office had been in existence there had been a Secretary for Scotland, if he might say so, of every sort. They had had Members of both Houses of Parliament. They had had noble Lords and Gentlemen who had been in the Cabinet, and others who had not been in the Cabinet. Though he thought that except under very rare and exceptional circumstances the Secretary for Scotland should be a Member of the House of Commons, still he would not put that into an Act of Parliament, or so fetter the judgment of future Prime Ministers. But more important than that he should be a Member of the House of Commons was that he should be a Member of the Cabinet, so as to have some direct control over the conduct of Business, and over the forcing on the Government of proper consideration of Scottish measures. He would give just one instance—and, in doing so, he did not wish to say anything which would be painful to the Lord Advocate—which illustrated clearly the position in which the Secretary for Scotland was placed. On Friday, a week or a fortnight ago, the Scottish Members had an invitation from the Secretary for Scotland and from the Lord Advocate to meet them in one of the Committee Rooms on the Monday following, to discuss whether technical education in Scotland should be dealt with by a separate Bill or be dealt with as part of the English Bill. On the Monday, after Question Time, it was announced by the First Lord of the Treasury, in response to a question, that the Government determined to deal with Scottish Technical Education by a separate Bill; and it turned out that there was a meeting of the Cabinet on Saturday, and that the question was then determined upon. So that owing to the Secretary for Scotland not being in the Cabinet he was ignorant of its deliberations.

Mr. J. H. A. MACDONALD: If I remember rightly, the Cabinet on the Saturday appointed a Committee with power to deal with the matter, and it was dealt with just before the decision was given.

Mr. BUCHANAN said, he could only state what was known to the public. If the Secretary for Scoland had been in the Cabinet they should not now have been in the position of discussing Bills which had only been in print before them for a few days. It was an open secret that if the Chief Secretary to the Lord Lieutenant (Mr. A. J. Balfour) had remained Secretary for Scotland, being a Member of the Cabinet, this Bill, and, in all probability, other Scottish measures, would have been produced a long time ago. He did not think either the Lord Advocate or the Secretary for Scotland was to blame; but, undoubtedly, if Lord Lothian had a place in the Cabinet they should have had these measures sooner, and would have been able to give them much more adequate consideration and discussion. He did not know whether his hon. Friend below him (Mr. Anderson) intended to propose the Amendment of which he had given Notice; but what they ought to endeavour to impress upon the Government, and get some further distinct—he did not say pledge, but statement from them to the effect that, so far as they could, for the future they would endeavour that the Secretary for Scotland should be in the Cabinet; and if they could not pledge themselves that he would be in the Cabinet, they ought to state that they saw the difficulty that arose through the Secretary for Scotland not being in the Cabinet, and as they had given him very high and important duties in appointing Judges and directing law and justice, they ought to recognize that, with such important duties to discharge, the Secretary for Scotland should be in a position to hold Cabinet rank. There were some minor points to be considered. He thought all the six Acts which were here excepted were in the original Local Government Bill of 1883. He quite saw that there were objections to dividing the duties of inspecting under the Factories and Workshops Act and the Mines Act; but, with regard to the practical working of these Acts, he must point out that there was a strong feeling in Scotland that the factories and workshops inspection was not adequately done in Scotland at present. He did not say it would be better done if it were under the Secretary for Scotland; but, undoubtedly, the grievance that was at present felt could be more quickly brought home by an appeal to the Secretary for Scotland than by an appeal to the Home Secretary. He did not see any adequate reason why the Industrial Schools Act should be excepted. That was just one of the Acts that he thought ought to have been referred to the Secretary for Scotland. His hon. Friend the Member for North East Lanarkshire (Mr. D. Crawford) had had on the Paper a Bill dealing with the question of day industrial schools in Scotland. That Bill had been withdrawn and therefore he was in order in referring to it. He had not the least doubt that if the Industrial Schools Act had been under the control of the Scottish Office it would have made progress, for they knew the Scottish Office was in favour of the reform contemplated by that Bill—the establishment of day industrial schools in Scotland as in England. He was himself in favour of the transference of the Industrial Schools Act to the Scottish Office, but, at the same time, admitted that there were certain obstacles in the way. He also wished to call attention to the 2nd sub-section of Clause 2, which was identical, he thought, with the words in the original Bill. Complaints had been made by several of his hon. Friends with regard to the delay that had taken place in the presentation of certain Returns, particularly the local taxation Returns, by the Scottish Office. These were amongst the Returns which were transferred by the Act of 1885 from the Home Office to the Scottish Office; but no adequate staff had been provided, as in the case of the Education Department, to do this clerical work, and that was the cause of the inordinate delay that had occurred. It was not quite fair to blame the Secretary for Scotland or the Lord Advocate for that delay, because there was not actually a clerical staff to do the work. Therefore, he earnestly impressed upon the Government to make provision against the recurrence of such delays in the future. The extra work that would accrue under this Bill would be very much larger than under the Bill of 1885, for, of course, all Scottish Returns would now come through the Scottish Office, and not through the Home Office. It was very difficult to enforce Amendments to the Bill in Committee; and he hoped the Government would see, from the strong expression of opinion to-day, that the establishment of this Office would not be permanently satisfactory unless it meant that in nine cases out of ten the holder was to be a Member of the Cabinet.

Mr. CRAIG SELLAR (Lanarkshire, Partick) observed, that this was a Departmental Bill, and he hoped the Secretary of State for the Home Department would agree with them that it was only an instalment of what they might hope for in future Sessions. While he said this was a departmental measure, it was also one of great importance, because it regulated the arrangements between the Home Office and the Scottish Secretary's Office. So far as he could judge, both from the meetings they had had in private, and from the discussion in the House to-day, Scottish Members were unanimous that this Bill, even as a Departmental Bill, should pass. If that were so, they had still before them a very important measure—the Technical Education Bill. They had nearly two hours remaining to discuss it. The principle of technical education had been largely discussed last night, so that even in the short time still at their disposal he thought they might have the decision of the House on the matter. He therefore hoped the hon. and learned Gentleman the Member for Elgin and Nairn (Mr. Anderson) would not move his Amendment now. If he did move it, and it were carried, all the hon. Member would do would be to wreck the Departmental Bill that all the other Scottish Members desired to see carried. Why should not the hon. and learned Member move his Amendment as an instruction on going into Committee? But if the hon. and learned Member would take his view, he would not move his Amendment either now or on going into Committee, but would reserve it till next Session, when they might hope to have the matter fully discussed. He thought the remarks which had been made on the subject by the right hon. Gentleman the Member for Edinburgh (Mr. Childers) were conclusive, and in time the Secretary for Scotland must be a Secretary of State. He therefore hoped the House would take the second reading now, and go on to the Technical Instruction Bill.

MR. ANDERSON (Elgin and Nairn) said, he did not wish to occupy the time of the House beyond a few minutes, because he had had an opportunity to express his views in connection with the Vote for the Scottish Office. He thought the Scottish Members had not been quite fairly treated by the Government, in view of the very strong expressions of opinion given yesterday at the Scottish Office, to the effect that a provision ought to be inserted in the Bill for the purpose of making the Secretary for Scotland a Secretary of State. That point was to be considered, and he thought they ought to have heard from the Government what conclusion they had come to on the subject. But they had had nothing of the kind. What he wanted to hear was the view of the Government on the subject. And although the advice tendered by the hon. Member who had just addressed the House was very valuable, he thought the best way to test the opinion of the Scottish Members on the question was to move his Amendment. He therefore begged to move—

"That no Bill dealing with the powers and duties of the Secretary for Scotland will be satisfactory which does not provide that the office of Secretary for Scotland be held by one of Her Majesty's Principal Secretaries of State."

He was as anxious as the hon. Member who had just spoken that the Bill should be passed, and therefore, without any further remark he proposed to take a Division on his Amendment.

MR. R. WALLACE (Edinburgh, E.) seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no Bill dealing with the powers and duties of the Secretary for Scotland will be satisfactory which does not provide that the office of Secretary for Scotland be held by one of Her Majesty's Principal Secretaries of State."—(*Mr. Anderson.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ESSLEMONT (Aberdeen, E.) said, he would have seconded the Amendment were it not that it was quite impossible to introduce such an Amendment in Committee. He had taken an opportunity at the private meeting of Scottish Members to say that he believed the provisions of this Bill were perfectly inadequate to satisfy the constituencies of Scotland, and to say that were the views of the right hon. Gentleman the Member for Edinburgh (Mr. Childers) carried out, and the Secretary for Scotland given the status of a Secretary of State, there would not be much difficulty in arranging the reservations which were proposed in the Bill. It would be more satisfactory that they should have no Secretary for Scotland at all than that they should have a Secretary who was not a Member of that House, and who was not in the Cabinet. Even the Home Secretary had not dared to say that the duties laid upon the Secretary for Scotland were not such as to entitle him to be raised to the dignity of Secretary of State. He hoped that the Government would make a concession on this matter to Scottish Members, who had been long suffering this Session in regard to legislation. He believed that the Members for Scotland were unanimous with regard to this proposal. For a little country like Scotland the salary might be smaller, but there was nothing in the objection that the Cabinet would be unduly enlarged. Out of the large number of Members of the Cabinet, surely Scotland was not getting more than her fair share in having one single Member in the Cabinet. He believed if the Scottish Members were united they would be perfectly able to carry the suggestion of his right hon. Friend the Member for Edinburgh in Committee. He was speaking from no Party point of view, for this was a matter which did not affect Party; but he would say that if the Bill was carried as it now stood, it would not be worth the paper that it was printed upon, because it would not settle the question in Scotland, and the agitation would have to be carried on constantly until the change took place But if the Government made this concession and raised the Secretary for Scotland to the position of a Secretary of State he believed it would give general satisfaction, and would settle the question for some time to come. Otherwise, he believed they should have to look to Home Rule in order that their affairs might be better attended to.

Mr. ASHER (Elgin, &c.) said, having been connected with the conduct of Scottish Business in the Scottish Office for some years, he desired to express his opinion that the arrangement under which Scottish Business was conducted by the Scottish Secretary would never be satisfactorily settled until the Scottish Secretary was a Cabinet Minister. He rose for the purpose of asking the Government whether they would not be disposed, even at the present stage of the Bill, to make an alteration in the provisions of the Bill to that effect—that was, to make the Scottish Secretary a Secretary of State. He hoped that the hon. and learned Member for Elgin and Nairn would not press his Amendment to a Division; because if it was carried it would be fatal to the Bill, and those hon. Members who were anxious to see the Bill passed would have to vote for the Amendment, in the terms of which they largely sympathized. It was impossible to doubt that the Bill proposed to give to the Secretary for Scotland certain duties which never could be satisfactorily discharged, except by a Cabinet Minister. Would any person approaching the consideration of the question of the arrangement of Scottish Business ever propose for a moment to transfer the whole responsibility for law and justice in Scotland to one Minister, and yet leave in the hands of another Minister the matter of the Royal prerogative? What was the reason assigned by the Home Secretary for such an arrangement? He said it was necessary, because the recommendation in the matter of the Royal prerogative must be in the hands of a Minister who had access to the Sovereign, and it was only a Secretary of State who had access to the Sovereign. But the right hon. Gentleman entirely forgot that this Bill was putting duties and powers on the Secretary for Scotland that would necessarily require that he should have access to the Sovereign; because, if the whole of the functions of the Home Secretary with regard to law and justice were transferred to the Scottish Secretary, all recommendations to the Crown as to the appointment of superior Judges would also have to be transferred to him. It had not been suggested that a Minister who had to recommend the appointment of Judges would have to go to another Minister and ask him, as a personal favour, to take his recommendation to the Sovereign for the purpose of having it confirmed. There should be a provision in the Bill raising the status of the Secretary for Scotland to that of a Minister of State. It was quite evident that the financial aspect of the question was a very small obstacle; and with regard to the increase of the number of Secretaries of State, there was no hard and fast line about them. If it was proved that they were creating an Officer who had duties to perform which could not be satisfactorily performed except by a Cabinet Minister and a Secretary of State, then he should be made a Secretary of State; and no question as to the precise number of Secretaries of State should stand in the way of making this a complete and satisfactory measure.

Mr. FINLAY (Inverness, &c.) said, in common with many of his hon. Friends, he held strongly the belief that it was expedient that the Secretary for Scotland should be a Secretary of State, and have a seat in the Cabinet. At the same time, he hoped the Amendment of his hon. and learned Friend would not be pressed to a Division. He thought most of the Members for Scotland were agreed that this Bill was a good Bill as far as it went. He was not prepared to take a step which would have the effect of destroying the Bill because it was not so perfect as they thought it ought to be. And inasmuch as the effect of carrying the Amendment would be to destroy the chance of passing the Bill this Session, the hon. and learned Member for Elgin and Nairn would not get the support of those who held the view which he had embodied in his Amendment; because to vote for such an Amendment would be to destroy the chance of a useful measure becoming law this Session. He joined in the hope that the Amendment would not be pressed to a Division, and that Scotland would get the benefit of this Bill, though he did not think it went quite so far as it ought to go. He hoped the effect of this discussion would be to elicit from the Government some notification that they were prepared favourably to consider the possibility of taking such a step as that which commended itself to the very great majority of Scottish Representatives, if not to all of them.

MR. PRESTON BRUCE (Fifeshire, W.) said, he agreed with those who thought that the Secretary for Scotland should be a Minister of Cabinet rank. But he must protest against a measure of this importance being brought forward at a time of the Session when it was impossible that they could give it adequate consideration. The only way to look at this Bill now was as a temporary measure, strictly confined to the relations between the Home Office on the one side and the Secretary for Scotland on the other. He believed the change it proposed to effect between the relations of these two Departments was a beneficial change. Therefore, he was in favour of the measure going forward. There were in the Bill certain exceptions from the transfer made from the Home Office to the Scottish Secretary, and he had no doubt a good deal could be said against a transfer in these cases. With regard to Reformatory and Industrial Schools, they had transferred to the Secretary for Scotland both the prisons and the educational arrangements of the country; and yet they proposed to retain under the Home Secretary the Reformatory and Industrial Schools, which were connected with these two Departments. He did not think such an arrangement as that could be permanently satisfactory. A Royal Commission had reported on the subject of Reformatory and Industrial Schools; and legislation, he supposed, was imminent on the matter. The probability was that it would be better to have a separate Bill for Scotland with regard to Reformatory and Industrial Schools; and he suggested that this matter should be at once handed over to the Scottish Secretary so that the Department might prepare a suitable measure on the subject.

Question put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Monday* next.

TECHNICAL SCHOOLS (SCOTLAND) BILL.—[BILL 358.]

(*The Lord Advocate, The Solicitor General for Scotland, Sir Herbert Maxwell.*)

SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities), in moving that the Bill be now read a second time, said, it was unnecessary that he should explain the measure, as that had been laid before the Scottish Members, along with a Memorandum describing its provisions. He would, therefore, leave the remaining time of the Sitting to hon. Members who might desire to take part in the discussion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Lord Advocate.*)

MR. PROVAND (Glasgow, Blackfriars, &c.) said, he sympathized with the remarks that had been made earlier in the Sitting against the system of crowding so many Scotch Bills into one day. But it would appear there was no hope of dealing with Scottish Business, except at 4 o'clock in the morning, unless they devoted to it a Wednesday Sitting. But in spite of that objection to this mode of legislation for Scotland, he thought it would be of great advantage if this Bill were read a second time, and, if possible, passed into law this year. It would be felt in Scotland to be a legislative neglect if the Bill were not passed in some form. Even if passed it would lie over for some time before it could come into operation, so that the public would have ample time for discussing what ought to be done; and if it were found necessary, a further addition could be made to the measure next Session. Unless the Bill were passed this year, it could not be passed for several years, as the School Board elections took place in the spring, and there would be no election after that of next year till 1891. It was of the utmost importance that this question should be before the public before the next School Board elections, so that the public could determine how far the Bill was to be taken advantage of. He would be very glad if the technical schools could be conducted without in any way coming under the control of the Science and Art Department. The Scottish Education Department would attend to this business very much better than the Science and Art Department. The object of the Bill was to enable us to improve our position commercially, mechanically, and as a manufacturing nation; but if the Bill was to do any good they ought to see that the boys to be taught understood decimals, and as lads who had passed the Fifth Standard were to be eligible for the technical schools, he thought some change would have to be made, or else they would have to raise the Standard for admission from the Fifth to the Sixth. Unless the scholars knew decimal fractions, they would be severely handicapped in the technical schools. He thought a knowledge of decimal fractions ought to be added to the Schedule.

General Sir GEORGE BALFOUR (Kincardine) said, he earnestly hoped the Bill would pass as it stood. The changes necessary to make it a very efficient Bill would be very few. It was a Bill which the people of Scotland desired. A very simple measure would get over any difficulty in connection with the Science and Art Department. They could lay it down that no Minute of the Science and Art Department regarding technical education would apply in Scotland, unless it received the sanction of the Secretary for Scotland. The Bill could be applied in Scotland without reference to the Science and Art Department. The school boards of Scotland could enlarge the sphere of education. So long as money was not required from the Science and Art Department, they could easily carry on the technical schools without coming under the control of the Science and Art Department. He had great doubt about the power possessed by the Science and Art Department. They were a very ignorant body, especially in regard to commercial education. He entreated Scottish Members not to sacrifice the Bill, which was one of great importance, and ought to be before the country previous to the next triennial School Board elections.

Dr. CAMERON (Glasgow, College) said, he must congratulate the hon. and learned Lord Advocate on the title of the Bill, because without that title nobody could have imagined for a moment it was a Bill to promote technical education. If it had been put forward under a title which signified what it meant, he did not believe it would have had the ghost of a chance of passing. He was not opposed to technical education; everyone was in favour of it, and he was willing to spend any amount of money upon education in the belief that it would be money well spent; but this Bill had nothing whatever to say about technical education. It was a Science and Art Education Bill—nothing more or less. There were schemes for the promotion of technical education. The best was that pursued at Finsbury College, where they gave instruction in various mechanical and applied arts and trades, such as cabinet-making, art furniture, practical mathematics, practical geometry, practical designing, practical chemistry, bricklaying, carpentry, joinery, metal plate work, &c. Now, all these were matters of technical education. But what did the right hon. Gentleman the Vice President of the Council (Sir William Hart Dyke) say on the previous night in connection with the Technical Education Bill for England? Why, that they were not, under their Bill, going to teach trades or any technical education at all. And the right hon. Gentleman put that forward as a reason for the passing of the Bill. The right hon. Gentleman had said there was a great deal of jealousy against the teaching of trades among the artizan classes. But the Government taught trade at the present moment; for in the schools under the Local Government Board, such as the divisional school at Norwood, where 800 or 900 pauper children were taught, excellent technical instruction was given. The children, after reaching a certain stage of instruction, were placed on half-time in trades shops, where they were taught tailoring, bootmaking, and other trades. In the same way in the industrial schools, which were kept up by the public funds, a technical trade education was imparted, and no objection had ever been offered by the artizan classes. But under this Bill it would not be in the power of any School Board to set up a technical school in which these things could be taught, or which were taught in the other really technical schools in the country, such as the Finsbury School. The expression "technical education" in the schools to be set up under this Bill meant instruction in branches of Science and Art, with respect to which grants were, for the time being, made by the Department of Science and Art. Now, there was no grant made by that Department for any one of the branches of really technical education, for which he spoke; so that schools set up under this Bill would simply be Science and Art schools. His hon. Friend (Mr. Provand) had referred to weaving schools. But, under the wilful reservation made by the Vice President of the Council to do nothing in the way of technical instruction, it would be incompetent to give instruction in weaving, because that would be teaching a trade. He did not see why there should be any objection to teaching a trade. The trades themselves were doing so through technical instruction. The Plumbers' Incorporation gave an education in plumber work, and that was not held to be unfair competition. The leather workers were now establishing technical education in that department. They had dyeing taught as well as weaving in the existing technical schools. If workmen were damnified by trades being taught under the name of technical education, they would be equally damnified by their fellows being better instructed and better qualified to obtain higher positions than themselves. But he did not believe that there was this jealousy among the working classes. No class was so much alive to the need of good technical teaching as the working men of this country and of Scotland. At Finsbury the requirements of the Science and Art Department were wholly disregarded as tending to hamper rather than to encourage their work. It was said that the Science and Art Department would enlarge its programme; but it was unfortunate that, while technical instruction had been given for some time by private effort, that Department had done nothing to meet the requirements of those schools. Indeed, the managers of those schools would rather not be brought under any control from the Department, because of the difference in their requirements. The difference between the requirements of the Science and Art Department and the objects of the best technical schools was this, that, in the latter, the object was to give a couple of hours' practical education for every hour of theory; whereas, in the Science and Art Department, it was a bushel of theory to a pint of practice. He had himself no objection to Science and Art instruction, he was a friend to education in every form; but let them not pass this Bill as it stood under the impression that they were passing a Technical Education Bill. As to making it a test question for the next School Board elections, he would remind them that it would be impossible to modify this Bill if it became law this Session in time for those elections. They must either take the Bill as it stood or leave it. On the other hand, if this Bill were brought forward at the beginning of next Session, there would be ample time to pass it before the School Board elections. He was afraid that if this Bill was adopted they would not get technical education. They would have the whole control of technical education placed in the hands of a Department which had shown itself utterly unsympathetic with technical education; and he much doubted whether more mischief would be done by accepting the Bill than by leaving over the matter until next Session, and then passing a Bill which would be in fact as well as in name a Technical Education Bill.

Mr. BRYCE (Aberdeen, S.) said, he could not agree with the conclusion arrived at by his hon. Friend (Dr. Cameron), who thought the Bill unsatisfactory, and that it would be better to leave it over till next year. He should have thought his hon. Friend, with so much experience of Parliament, would have known how very uncertain the chances were of Bills in this House, and that even though a Bill was unsatisfactory, and might not fulfil all their expectations, still it was better to get what they could, and trust to the chance of improving it next year, than to abandon what they had in their hands now, with the possibility of getting nothing at all. At the same time he admitted that it was not only a hurried but an excessively sketchy measure. It told the House very little about the kind of technical education to be given, or the details of the manner in which it was to be given. Having visited a good many technical schools both in this country and in the United States, he knew that there was an immense variety of methods of giving technical education, and that the term covered a great many things from the highest instruction in the theory of mechanics and chemistry down to the simple use of tools which might be taught to a boy of 12 or 13. All of that was technical education, and was valuable; and he should have liked to have seen in this Bill some distinct indication that the Government recognized the largeness of the subject, and had understood the many things that could be brought under the idea of technical instruction. Instead of that, anything was to be technical which was approved for the time by the Department of Science and Art. Now, they had not such experiences of the conception of such instruction by that Department as to repose in it perfect confidence that it would do all that was required. He must express his disappointment at the way in which the Government had treated Scottish business, keeping up Scottish Bills till the 10th of August, and giving them to Scottish Members at a time when it was perfectly impossible to deal with them with Committees at 2 or 3 o'clock in the morning. As the Science and Art Department was mainly interested, he thought it very desirable to obtain from the Government a pledge that that Department would give as soon as possible a full statement of its policy in the matter, showing what it meant to include in the term "technical education," and giving something in the nature of a Memorandum which might be presented to the House and circulated among school boards and the public, so that the electors might be able to have some idea of what technical education meant, and what school boards would carry out. When such a Report was presented to the House, Members would have an opportunity of another discussion on the subject, and if it should turn out that the Science and Art Department took too narrow a view of this matter, and did not carry out the wishes of Parliament, they would be able to make the Department take a wider view and prepare a more adequate scheme.

Mr. CALDWELL (Glasgow, St. Rollox) said, that as representing one of the large cities in Scotland, and as the subject was one that seriously interested the working classes, he hoped the House would see its way to pass the Bill. The subject had long been before the community of Scotland, and there had been but one feeling, and that was in favour of it. It seemed to him that the Bill embraced everything essential to give a start to technical education. The 1st clause set forth that each school board might establish a technical school. He did not think that an Act of Parliament should prescribe all the different subjects to be taught in the schools, for these must be left to the various localities, and they were matters capable of expansion as time went on. As to the objections taken by Members from the country districts in Scotland, it should be remembered that the Bill was purely permissive, and that no school board in Scotland was compelled to establish such a school if there was any feeling against it. He did not think that those who went in for Home Rule in Scotland should object to a Bill which was of a purely permissive character, and which was fenced round so that not only no action could be taken until the next School Board elections, but the consent of the Education Department was also necessary. When it was considered that this was a subject in which a considerable amount of interest was felt in Scotland, that the Bill was a purely permissive one, that the interests of the ratepayers were protected, and that technical education was a matter of expansion, it seemd to him rather hard that the Representatives of the country districts should interfere by opposing the measure.

Mr. J. C. BOLTON (Stirling) said, that the speech of the hon. Member for South Aberdeen (Mr. Bryce) would have been an excellent one if it had been concluded with a Motion for the rejection of the Bill. The hon. Gentleman showed the thorough spirit of a Scotsman in saying that it was better to take what they could get; but his own opinion was that in taking the Bill they took the shadow without the substance. There was most undoubtedly an earnest desire by the people of Scotland to have technical education; but they had had no opportunity of judging as to whether the Bill would afford it to them. It was argued that they should pass the Bill this Session in consequence of the School Board elections coming next year. Undoubtely that was an argument in favour of passing a Bill of some kind; but had it only occurred to the Government within the last few days that the School Board elections fall next year? Were the Government really in earnest in endeavouring to pass a Bill this Session for the promotion of technical education in Scotland? If so, he would ask the Lord Advocate whether he would give the House a pledge to admit Radical Amendments on the 5th clause? If the Bill was accepted as it now stood, one thing was certain, and that was that they would, under that clause, transfer to South Kensington the direction of technical education in Scotland, which ought to be in the hands of the school boards of the country. He desired to have a pledge from the Government that South Kensington should have nothing more to do with Scottish technical schools than to examine in those subjects which the school boards chose to take up, and for which South Kensington gave grants. [Mr. MASON: That is in the clause.] That was undoubtedly in the clause; but there was also a great deal more in it, for it would place the whole of the technical education in Scotland at the mercy of the Science and Art Department at South Kensington. If the Lord Advocate would say the Government accepted the Amendment he had indicated, he would be quite content to see the Bill passed; but he considered that if they accepted the Bill as it stood they would be accepting a merely permissive Bill to put themselves under the control of the Department at South Kensington, and, as an alternative, would have to go without technical instruction altogether.

MR. BUCHANAN (Edinburgh, W.) said, that the hon. Gentleman the Member for South Aberdeen (Mr. Bryce) and other speakers had pointed out the real doubt about the Bill—namely, whether it would promote technical education. The 1st sub-section of the 5th clause was to the effect that no school board could get loans for building purposes connected with education under the Act, or get any advantage under the Act, unless the school was conducted in accordance with the conditions specified by the Science and Art Department. It had been stated that school boards could give technical instruction outside the subjects laid down by the Science and Art Department, but that could not be done because of the definition in the 11th clause. He therefore thought the Scottish Members should press upon the Government for a distinct pledge that they would agree to widen the Bill in that respect. If they did not, he agreed that the Bill would be hardly worth having, for if the definition was not widened they would prevent the school boards in Scotland establishing a technical school, which otherwise they would be willing to create. With regard to Sub-section 3 of Clause 5, dealing with the Minutes of the Science and Art Department, undoubtedly it was of great importance that these Minutes should be presented to Parliament in order that it might be known what their nature was. He confessed he joined in the jealousy shown of any extension of the power of the Science and Art Department in Scotland. If the Bill was not amended in the direction he had pointed out, he believed it could not be successful in its operation, for the control of the Science and Art Department in Scotland would militate against its effect. There was in Scotland no very great confidence in that Department. He did not see the reason why, unlike the English Bills, there should be any definition of the scholars to whom technical education could be given. The Bill limited the age of scholars to 21 years; but if there was to be any real technical education that restriction must be struck out, for many young men were only able to appreciate such education when they got to that age. The Chancellor of the Exchequer, the previous night, had stated that girls would be excluded from the operation of the Bills.

THE VICE PRESIDENT OF THE COUNCIL (Sir WILLIAM HART DYKE) (Kent, Dartford) said, he thought the remarks of the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen) had been misunderstood. He had only estimated that very few girls would avail themselves of technical instruction.

Mr. BUCHANAN said, he would like the Lord Advocate to state whether or not girls were excluded from the benefits of the Bill. He thought the point could easily be made plain by the insertion of the feminine pronoun in Clause 9. Unless they got a clear statement that girls were to be included, they ought not to support the Bill.

Mr. J. H. A. MACDONALD said, he understood the right hon. Gentleman last night said it was calculated that a great many girls would not come forward, and that some boys would not come forward, but that his calculation was a rough way of taking it, as a whole, to ascertain how many would take advantage of the technical training.

Mr. BUCHANAN said, his misapprehension was shared by a great many others. He thought his right hon. Friend was aware that in the Technical School in Edinburgh there were a great many girls fully enjoying its benefits, and it would be absurd, if they were to have a thoroughly good system of technical education, that girls should not have the full enjoyment of it.

Sir WILLIAM HART DYKE said, several points had been raised in the debate which were really points of detail, though he admitted their importance. It was obvious that he was not prepared, not being acquainted with the educational system of Scotland, to deal with these points. There was one important point as to the Definition Clause referred to by one hon. Member, who pointed out that there was a possibility that under that definition the Bill might have a retrograde character. He would consult the Lord Advocate with regard to that point, and if any such difficulty as was suggested could possibly occur, it was perfectly obvious it was not intended by the Bill, and the definition must be modified to that extent. As to the reference made to the Science and Art Department and its administration in connection with the Bill, he regretted extremely that his remarks were misunderstood. In making these remarks, he was dealing especially with the question of manual training under this Bill—that was, the training of eye and hand, the teaching of lads how to handle tools easily and with facility, and to do work at the bench as regards wood and iron. What he said was—and he said it again—that that class of teaching which was demanded as elementary teaching was one of the few subjects which could be dealt with under this Bill. Much misconception had arisen in the minds of hon. Members with regard to the scope of the Bill as affecting Scotland; and he only discovered a day or two ago that the Science and Art Directory containing the curriculum was not in the Library. He at once hastened to remedy the defect, and copies would be at once provided. The hon. Member for the College Division of Glasgow (Dr. Cameron) said this Bill was not a Technical Instruction Bill at all, and was more or less a sham. This Bill, as he (Sir William Hart Dyke) understood it, would enable grants to be paid by the Science and Art Department for any class of school which was sanctioned by the Scottish Education Department, for any subject in the curriculum now in their directory. The list of subjects which were now actually in the directory, and for which, as hon. Members knew, they were giving in science and art schools large grants, included the following — practical geometry, machine construction and drawing, building construction, naval architecture, applied mechanics, practical chemistry, mining, mineralogy, steam, electricity, the principles of agriculture, and hygiene. This Bill might be condemned as unequal, and might require amendment; but when he was told that as applied to Scotland it was not a Bill for technical instruction, he said that, at all events, was not an adequate description of it. Another question had been alluded to in regard to the Definition Clause—namely, that in any school coming under the operation of the Bill, grants would be received for these subjects. He thought the expression was "for other subjects which may from time to time be admitted by the Department." That expression, he believed, led to this, that there was a distinction which would be drawn in the English Bill and the Scottish Bill between subjects for which grants might be made, but which subjects were not at the time in the directory. With regard to the future of this directory, there was in the

English Bill a distinct reference to Parliament with regard to any change. If there were any change of a restrictive or extensive nature in this directory, it must be laid for one month before both Houses of Parliament. The educational systems were distinct in the two countries; therefore, he would not waste the time of hon. Members by going into matters in detail. He would only assure them that what Her Majesty's Government desired most of this Bill, as they did of the English Bill, was that it should be a workable and successful measure, and that its result should be one of lasting, real benefit to the great commercial and agricultural interests of the country.

MR. MASON (Lanark, Mid) said, he trusted this Bill would be read a second time. He looked upon it as by a long way the most important Bill which the House had had before it today. He knew the absolute necessity there was on the part of this country to face and enter upon the question of technical instruction, so as to meet the fierce competition of the Continent. We were at least 30 years behind Saxony, Belgium, and France, and, he might say, the Continent of Europe, in this matter, and he was thankful that the House had at last awakened to the position of this country, and that a Bill dealing with technical instruction had been introduced, not only for England, but one also for Scotland. He admitted it was a small Bill, but he was thankful a beginning had been made. The Bill gave powers to school boards which they had not hitherto had. It enabled them to provide tools, trade apparatus, and other materials out of the school funds, and he had no doubt that, having got them, they would be able to exercise these powers. With regard to the question of grants from South Kensington, if in Scotland they were prepared to accept them, they ought to come under the regulations of South Kensington; but he maintained that if any money was to be raised in Scotland for these purposes, it should not come under the control of South Kensington, but of the Scottish Education Department, and that ought to be provided for in the Bill. So far as the school boards were concerned, he thought they might trust Scotland with regard to this question. This was a very good opportunity for bringing the question before the electors at the School Board elections next April. Let the school boards be elected on the distinct principle whether or not they were to erect technical schools. He was thankful that, in framing this Bill, the clause in connection with a *plebiscite* had been left out, because he was certain if such a provision had been inserted and were applied in cities like Glasgow they should never have technical education begun in these large centres, at any rate, in the present generation. This was a question in which they who were in a position of knowledge in connection with foreign competition required to instruct the electors. The great body of the people could not understand why we were having this fierce competition, and they must take the initiative of bringing about technical education from above rather than below. He had seen the necessity of improving technical training for the last 25 years, and, as an illustration of how much we had lost by the want of it, he would mention that, in his own business, 20 years ago, he used 80 per cent of home-spun yarns to 20 per cent of foreign yarns. Now the situation was more than reversed, as he used 85 per cent of foreign to only 15 per cent of home-spun yarns. What they required to do in this country was to take advantage of the splendid appliances they had in the manufacturing industry He had no fear of foreign competition if they only had free play for the powers which Providence had given them, and for the vast resources which the country possessed. He hoped the Bill would now be read a second time and passed into law before the end of the present Session.

MR. ILLINGWORTH (Bradford, W.) said, he ought to apologize as an English Member for interfering in the discussion of this Bill. What he was afraid of was that if Scottish Members were prepared to accept a sham Bill, there was very little hope of a genuine Bill being brought forward soon. His hon. Friend who had just sat down was very zealous in the cause of technical education, but he feared his hon. Friend had missed his mark altogether. There was no worse authority on which they could rely for the promotion of industrial education than the Science and Art Department as at present constituted. He was afraid they would proceed in a *diletantte* fashion with this matter when the necessities of the case required that they should begin in a very humble way, and get hold of the mass of the industrial classes in order to teach them something that would fit them for the duties of their station in life. His hon. Friend below him (Mr. Mason) had expressed his satisfaction that there was no *plebiscite* in the Scottish Bill. But he might tell him that there was something more mischievous than a *plebiscite,* and that was the absolute control of the Science and Art Department. ["No, no."] Hon. Members said "No, no," but if they would read the second clause of the Bill they would see that there was absolute power in the hands of the Science and Art Department to control and overrule everything that was decided by the school boards in Scotland. In the interest of education he was anxious that the mark should not be missed as it had been in other measures. He objected to the limit of age being placed at 21, and contended that that was a matter that should be left to the school board in each locality to determine. No other body could have the same knowledge or experience with respect to the peculiarities of the trades and occupations of the district. The freest hand ought, therefore, to be left to the school boards. The Bradford School Board had made representations on the subject, and he had in his pocket a letter from the chairman, than whom there were few men more competent to deal with the question. His views were supported by every member of the Committee of the School Board. He insisted that it would be mischievous in the highest degree to set up arbitrary barriers such as the age of 21 or the Sixth Standard. He assured the Scotch Members that he would not have interfered in the debate except for the purpose of pleading for as much as could possibly be got, so that when they came to struggle with the English measure, they might not be referred by the Department to what had been done for Scotland as a reason for not making further progress.

MR. C. S. PARKER (Perth) said, he would appeal to hon. Members both from England and Scotland not to wreck the Bill. The hon. Member who had just spoken could not have been in the House when the Vice President of the Council stated that, in concert with the Lord Advocate, he was most willing to consider any Amendments to the measure. He thought hon. Members were unduly frightened. He was sure many of them had not studied the Bill. If they had an opportunity of consulting the Directory of the Science and Art Department, he was convinced they would have a better opinion of that Department. If they were going to have two sources of income—the one local and the other Imperial — they must have some Imperial authority to superintend. These schools were intended to be connected with the Imperial system, and were to be so managed that grants might be obtained from that quarter. The list of subjects taught could easily be from time to time enlarged. But if hon. Members would refer to this year's Report of the Department they would see that it was not true that subjects of practical value were not at present encouraged by grants. They would find that a large number of children had already received instruction in practical agriculture. Dyeing having been mentioned, he might observe that practical chemistry was one of the subjects taught, and, as representing the City of Perth, which was the centre of the dyeing trade, he could say that a knowledge of practical chemistry was one of the principal requirements in that industry. But this was no time for details. His object was to appeal especially to the Scottish Members, not at the last moment, after they had shown themselves so practical on the other Bills, to wreck this Bill by adjourning the second reading. If any of them wished to press important Amendments, they could do so on the Motion for going into Committee.

MR. E. ROBERTSON (Dundee) said, his hon. Friend the Member for Perth (Mr. C. S. Parker) had got up to make an appeal to his Scottish Colleagues not to wreck the Bill, and he had gone within four minutes of wrecking it himself. He (Mr. E. Robertson) did not rise for the purpose of wrecking the Bill by continuing the discussion, but he rose to renew the protest he had made earlier in the sitting against Parliamentary mismanagement and misconduct of Scottish Business so far as the Government were concerned. This Bill had been described by one of its leading supporters as a hasty Bill, hastily drawn and hastily pushed forward. He did not propose to stop the progress of the Bill now, but he wished to pronounce this to be one of the most glaring examples of the results of the evil management which had been carried on during the whole of the present Session, so far as Scottish Business was concerned. He protested against it.

Mr. SINCLAIR (Falkirk, &c.): I claim to move "That the Question be now put."

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I appeal to the hon. Gentleman not to press that Motion because it is obvious that we could not carry it——

Mr. SPEAKER: Order, order! I decline to put the Question.

Mr. MACDONALD CAMERON (Wick, &c.) said, that he could tell the House that he had been five years associated with the Science and Art Department, and he could assure hon. Members from Scotland that they need not be afraid of the bogey, in the shape of control by the Department, which had been raised at the last moment.

Question, "That the Bill be now read a second time," put, and *agreed to.*

Bill read a second time, and *committed* for *Tuesday* next.

QUESTIONS.

——o——

OFFICE OF THE SECRETARY FOR SCOTLAND—COST OF THE DEPARTMENT.

Mr. E. ROBERTSON (Dundee) asked the Secretary to the Treasury, Whether he could now answer a Question which he put earlier in the day to him respecting the cost of the Office of the Secretary for Scotland?

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.): It is a little difficult to answer the question with any degree of accuracy. In the first place, the question divides itself into two—whether it be the comparative cost of doing Scottish Business now, as compared with the cost of doing it formerly, prior to the creation of the Secretary for Scotland's Establishment. It will be seen that inasmuch as before the Secretary for Scotland's separate Establishment there was no separate charge for the Scottish Business, we have no data on which we can form any opinion as to what the actual cost was before the separate Establishment. It is difficult also to state what is the actual increased charge upon the Votes, for this reason, that we can only get the figures from the Appropriation Accounts, and these accounts for 1885-6, which are the last that were published and in our possession, only give the figures for a portion of the year—about three months of that year—and we have not, therefore, in the Appropriation Accounts a complete year with which to compare. The only figures which it is possible to quote as accurate are as follows:—In the Estimates for 1885 provision was made in the Home Office Vote for the inspection of pollution of rivers, and in the Local Government Board Vote for alkali inspection—inspectors, £1,555; and messengers, £332; making a total of £1,887. In the Estimates for the current year, provision is made specifically for the Scottish Secretary's Department—in Class 2 £9,143, and in Class 1 (rent of Dover House) £2,800. It is also estimated that the separation of the Scottish Education Department has added £211, making a total of £12,154. Deducting the charge which appeared on the Votes in 1885-6, to which I have referred—namely, £1,887—we find that the additional charge on the Estimates is £10,267. In addition to this, there will be certain charges for building, maintenance, &c., fuel and light, furniture, and rates in Class 1, and stationery in Class 2. These charges cannot be specifically traced in the Estimates, because they are provided out of the round sums which meet the general average charge on all Departments, and which are not separately stated. The average cost of the Department in respect to all these services would be about £1,500. The total additional charge on the Estimates may therefore be put at £11,800. It must, however, be observed that the relief afforded to the Education Office, the Home Office, the Local Government Board, and the Board of Trade by the transfer of the Scotch work from them only provided for extra work in these Departments for which extra staff would have certainly been required had the transfer not taken place.

PUBLIC BUSINESS.

MR. BRYCE (Aberdeen, S.): Considering the very great and unanimous interest felt by Scotch Members in the Question, perhaps the First Lord of the Treasury will state what the Government propose in regard to the Conveyancing Acts Amendment Bill.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster) said, he hoped the Government would be able to press on with the measure. With regard to the course of business he might say that they proposed, unless objection was raised, to consider the Lords' Amendments to the Irish Land Bill at a quarter past 4 on Friday. With respect to the Coal Mines Bill Her Majesty's Government adhered to the arrangement already made.

In reply to Mr. MUNDELLA,

MR. W. H. SMITH said, that owing to the pressing importance of the Land Bill the arrangement with respect to the education debate could not stand. They would go on with the Estimates on Saturday, but it would be inconvenient to take the Education Estimate then. He should endeavour to make another arrangement.

MR. STANHOPE AND SIR JOHN ADYE.

SIR WALTER B. BARTTELOT (Sussex, N.W.) said, he wished to ask a Question of his right hon. Friend the Secretary of State for War, whether his attention had been called to a letter in *The Times* of that morning, written by Sir John Adye, giving an account of an interview with the Secretary of State, and whether the account of the interview was correctly stated. He might add that he put the Question in the interests both of Sir John Adye and of the Secretary of State.

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): I am glad, in answer to my hon. and gallant Friend, to say a word with respect to the attack upon my personal honour which, smarting, no doubt, under certain attacks from which I endeavoured to defend him, Sir John Adye has made in *The Times* to-day. After receiving a letter from him containing his explanation on the subject of the cutlasses, I asked him to have a personal interview with me. What passed between us has been utterly and strangely misrepresented by him. All I have to say is, that the defence which I then told Sir John Adye I would make for him is precisely in all substantial points identical with that which I afterwards put forward in this House. It would have been utterly impossible for me to hold, or to have told Sir John Adye, that he, although Director of Artillery during a part of the time when these transactions took place, was altogether free from responsibility in the matter, though I explained carefully the other day the limits of his responsibility.

House adjourned at one minute before Six o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CCCXVIII.

NINTH VOLUME OF SESSION 1887.

EXPLANATION OF THE ABBREVIATIONS.

Bills, Read 1^{o}, 2^{o}, 3^{o}, or 1^{a}, 2^{a}, 3^{a}, Read the First, Second, or Third Time.—In Speeches 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—R. P., Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st. Div.*, 2*nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

Some subjects of debate have been classified under the following "General Headings:"—ARMY—NAVY—INDIA—IRELAND—SCOTLAND—PARLIAMENT—POOR LAW—POST OFFICE—METROPOLIS—CHURCH OF ENGLAND—EDUCATION—CRIMINAL LAW—LAW AND JUSTICE—TAXATION, under WAYS AND MEANS.

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CHAMBERLAIN, Right Hon. J., *Birmingham, W.*
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- Dublin, Wicklow, and Wexford Railway (City of Dublin Junction Railways), 3R. 909
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  - Criminal Law Amendment Act—Proclamation of Co. Kilkenny, 38, 39, 387
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Channel Tunnel (Experimental Works) Bill (by Order)
c. Moved, "That the Bill be now read 2°" (*Sir Edward Watkin*) *Aug* 3, 1037
  Amendt. To leave out "now," add "upon this day three months" (*Baron Henry De Worms*); Question proposed, "That 'now,' &c.;" after short debate, Question put; A. 107, N. 153; M. 46 (D. L. 348); words added; main Question, as amended, put, and agreed to; 2R. put off for three months

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  Reported Establishment of a Bank, Question, The Earl of Rosebery; Answer, The Prime Minister and Secretary of State for Foreign Affairs (The Marquess of Salisbury) *Aug* 1, 675
  Reported Concessions to an American Syndicate, Question, Mr. E. Robertson; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *Aug* 5, 1378

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(*Colonel Sandys, Mr. Wardle, Mr. Joicey*)
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- Supply—Criminal Proceedings in Scotland, Lord Advocate's Department, &c. 1802, 1809, 1816, 1819
  - Fishery Board in Scotland, &c. 1770, 1787, 1800
  - Mercantile Marine Fund (Grant in Aid), 1663, 1664
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  - Contagious Diseases (Animals) Acts—Proclaimed Counties, 1552
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- Supply—Mercantile Marine Fund (Grant in Aid), 1663

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- Irish Land Law, Consid. 1395

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- Margarine (Fraudulent Sale), Comm. 876; Report, 1334, 1335; on Question, "That the Bill do pass?" *cl.* 7, 1700

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- Smoke Nuisance Abatement (Metropolis), Comm. 683

Crawford, Mr. D., *Lanark, N.E.*
- Army Contracts—Report of the Committee on the Manufacturing Departments, 1155
- Supply—Secretary for Scotland, &c. 1745

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Criminal Law (Scotland) Procedure (No. 2) Bill (*Marquess of Lothian*)
- *l.* Read 2ª *July* 29, 514 (No. 178)
- Committee * *Aug* 4 (No. 209)
- Report * *Aug* 5
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Crofters' Holdings (Scotland) Bill [H.L.] (*The Lord Advocate*)
- *c.* Consideration of Lords' Reason for disagreeing to one of the Amendts. made by the Commons *July* 26, 167; after short debate, Moved, "That the Debate be now adjourned" (*Mr. A. J. Balfour*); Question, put, and agreed to; Debate adjourned
- Adjourned Debate on Question, "That this House doth not insist on the Amendt. to which the Lords have disagreed" resumed *July* 28, 484; Question put, and agreed to
- *l.* Order for the consideration of the Commons' consequential Amendt. read *Aug* 4, 1123; Amendt. considered, and agreed to
- Royal Assent *Aug* 8 [50 & 51 *Vict.* c. 24]

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- Agricultural Labourers' Holidays (Scotland), 2R. 1520
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- *Reduction of an Examining Officer at West Hartlepool—Anthony Gregory*, Question, Sir Henry Havelock-Allan; Answer, The Secretary to the Treasury (Mr. Jackson) *Aug* 9, 1710

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- *Searching of Luggage—The Hon. P. A. Collins,* Questions, Mr. Tuite, Mr. Sexton; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) *Aug* 4, 1163

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- Dublin, Wicklow, and Wexford Railway (City of Dublin Junction Railways), Consid. 336
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- Malta—Proposed Changes in the Government, Motion for Papers, 487

DE LISLE, Mr. E. J. L. M. P., *Leicestershire, Mid*
- Ireland—Criminal Law Amendment Act—Proclaimed Counties, 931
- Irish Land Law, Comm. *cl.* 4, 448
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- Licensed Premises (Earlier Closing) (Scotland), Comm. 1690
- Margarine (Fraudulent Sale), Report, 1324, 1335; on Question, "That the Bill do pass?" Amendt. 1698
- Smoke Nuisance Abatement (Metropolis), Comm. 684

DE WORMS, Baron H. (Secretary to the Board of Trade), *Liverpool, East Toxteth*
- Bankruptcy Act, 1883—The Small Bankruptcy Clauses, 910, 1157
- Board of Trade—Questions
  - Labour Statistics—Mr. Burnett, 926, 1523
  - Lighthouse Illuminants—Correspondence, 706
  - Standards Department, 1133
  - Supposed Tidal Wave in the Atlantic, 1370
- Channel Tunnel (Experimental Works), 2R. 1055, 1057; Amendt. 1059
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  - Railways—Fatal Accident on the Bantry Extension Railway, 694
  - Sea Fisheries—Sunken Anchors in Bantry Bay, 1351
  - Tramways—Schull and Skibbereen Tramway, 530, 531, 532, 698
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- Merchant Shipping Acts—Questions
  - Examination for Colour Blindness, 1129
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  - Railway Passenger Duty — Liability of Tramways, 910
  - Thames and Severn Canal Navigation, 382
- Saving Life at Sea—Report of the Committee, 1363
- Supply—Mercantile Marine Fund (Grant in Aid), 1658, 1659, 1661, 1662, 1663

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- Distressed Unions (Ireland), Comm. 485, 1312
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- Parliament—Order—Reflections on a Member of this House—Mr. Dillon and the "Trowbridge Chronicle," Personal Explanation, 939, 940, 941, 942, 943, 944
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  - Record Office, 1560, 1562
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DILLWYN, Mr. L. L., *Swansea, Town*
- Africa (South)—Natal—The Chief Langalibalele, 1522

Diplomatic Services — Sir Henry Drummond Wolff—Salary
- Questions, Dr. Cameron; Answers, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *Aug* 4, 1169

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- Questions, Mr. Dillon; Answers, The Chief Secretary for Ireland (Mr. A. J. Balfour) *July* 28, 388; *July* 29, 552

Distressed Unions (Ireland) Bill (*Mr. Arthur Balfour, Mr. Solicitor General for Ireland, Colonel King-Harman*)
c. Adjourned Debate on going into Committee further adjourned *July* 28, 485 [Bill 307]
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DIXON-HARTLAND, Mr. F. D., *Middlesex, Uxbridge*
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DONKIN, Mr. R. S., *Tynemouth*
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Dublin, Wicklow, and Wexford Railway (City of Dublin Junction Railways) Bill (by Order)
c. Moved, "That the Bill, as amended, be now considered" *July* 28, 312
Amendt. to leave out "now," add "upon this day three months" (*Mr. Peter M'Donald*); Question proposed, "That 'now,' &c.;" after debate, Moved, "That the Question be now put" (*Mr. Courtney*); Question put; A. 247, N. 85; M. 162 (D.L. 328)
Question put, "That 'now,' &c.;" A. 216, N. 114; M. 102 (D.L. 329)
After short debate, main Question put; A. 234, N. 83; M. 151 (D.L. 330); Bill considered
Moved, "That the Bill be now read 3°" *Aug* 2, 883
Amendt. to leave out "now read 3°," insert "re-committed" (*Dr. Kenny*); Question proposed, "That 'now read 3°', &c.;" after debate, Question put; A. 192, N. 55; M. 137 (D.L. 341)
Main Question put, and agreed to; Bill read 3°

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LEWIS, Sir C. E., *Antrim, N.*
Ireland—County Gaols—Salaries of External Officers, 21

LEWIS, Mr. T., *Anglesey*
Wales—Tithe Agitation—Riots at Llangwm, 1535

Licensed Premises (Earlier Closing) (Scotland) Bill
(*The Earl of Camperdown*)
l. 2R. put off, after short debate *July* 28, 292
Read 2ª, after debate *Aug* 5, 1343 (No. 183)
Committee, after short debate *Aug* 9, 1689

Licensing Laws—Legislation
Question, Sir Wilfrid Lawson; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *July* 28, 385

Lieutenancy Clerks Allowances Bill
(*Mr. Brodrick, Mr. Secretary Stanhope, Mr. Northcote*)
c. Read 2° * *Aug* 10 [Bill 274]

Life Leases Conversion Bill
(*Sir Edmund Lechmere, Mr. Hastings, Mr. Puleston, Mr. Radcliffe Cooke*)
c. Bill withdrawn * *Aug* 1 [Bill 310]

Lighthouse Illuminants
Correspondence, Question, Mr. T. W. Russell; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) *Aug* 1, 705
Monopoly of Lenticular Apparatus, Question, Mr. Lea; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) *Aug* 5, 1377

Limited Liability, Law of—Legislation
Question, Mr. T. Harrop Sidebottom; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *Aug* 4, 1174

Limited Owners (Scotland) Bill
(*Mr. Haldane, Mr. Asquith, Mr. Arthur Elliot, Mr. Ferguson*)
c. Report of Select Comm. *July* 27 [No. 242]
Special Report [No. 243]
Bill withdrawn * *Aug* 8 [Bill 341]

Liquor Traffic (Local Veto) (Ulster) Bill
(*Mr. Johnston, Mr. T. W. Russell, Mr. De Cobain*)
c. Bill withdrawn * *July* 27 [Bill 33]

Literature, Science, and Art
Science and Art Department, South Kensington—Memorials of Attendants, &c., Question, Mr. Whitmore; Answer, The Secretary to the Treasury (Mr. Jackson) *Aug* 2, 913
The "Kew Gardens Bulletin," Question, Mr. Labouchere; Answer, The First Commissioner of Works (Mr. Plunket) *July* 28, 353
The National Gallery—The Steps to the New Room, Question, Mr. Cunninghame Graham; Answer, The First Commissioner of Works (Mr. Plunket) *July* 28, 368

Local Authorities (Expenses) Bill
(*Mr. Ritchie, Mr. Jackson, Mr. Long*)
c. Ordered; read 1° * *Aug* 8 [Bill 361]

LOCAL GOVERNMENT BOARD—President
(*see* RITCHIE, Right Hon. C. T.)

Local Government—Legislation
Question, Mr. Howard Vincent; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *Aug* 1, 719

Local Government Provisional Orders (No. 5) Bill (*Lord Balfour*)
l. Committee *; Report *July* 26 (No. 146)
Read 3ª * *Aug* 4

Local Government Provisional Orders (No. 7) Bill (*Lord Balfour*)
l. Committee *; Report *July* 26 (No. 166)
Read 3ª * *Aug* 4

Local Government Provisional Orders (No. 9) Bill
l. Read 1ª * *July* 26 (No. 188)

Local Government (Ireland) Provisional Orders (Ballyshannon, &c.) Bill
(*The Lord Privy Seal*)
l. Moved, "That the Order made on the 3rd day of March last, 'That no Provisional Order Confirmation Bill brought from the House of Commons shall be read a second time after Friday the 1st day of July next,' be dispensed with, and that the Bill be read 2ª" *July* 28, 278; after short debate, Motion agreed to; Bill read 2ª (No. 163)
Committee *; Report *July* 29
Read 3ª * *Aug* 1
Royal Assent *Aug* 8 [50 & 51 *Vict.* c. clix]

Local Government (Ireland) Provisional Order (Dublin, &c.) Bill [H.L.]
(*The Lord Privy Seal*)
l. Royal Assent *Aug* 8 [50 & 51 *Vict.* c. cli]

LORD ADVOCATE, The (*see* MACDONALD, Right Hon. J. H. A.)

LORD LIEUTENANT OF IRELAND — Chief Secretary to the (*see* BALFOUR, Right Hon. A. J.)

LORD LIEUTENANT OF IRELAND—Parliamentary Under Secretary to the (*see* KING-HARMAN, Right Hon. Colonel E. R.)

LORD PRESIDENT OF THE COUNCIL (*see* CRANBROOK, Viscount)

LOTHIAN, Marquess of (Secretary for Scotland)
Agricultural Labourers' Holidays (Scotland), 2R. 1519
Criminal Law (Scotland) Procedure (No. 2), 2R. 514
Crofters' Holdings (Scotland), Commons Amendts. Consid. 1123
Licensed Premises (Earlier Closing) (Scotland), Comm. *cl.* 4, 1693
Secretary for Scotland Act (1885) Amendment, 2R. 687; 3R. 1342

LUBBOCK, Sir J., *London University*
India (Bombay)—Cama Women's Hospital, 911;—Female Medical Officers, 1164
Parliament—Business of the House—Scotch Business, 1178
Technical Instruction, 2R. 1865

Lunacy Acts Amendment Bill [H.L.]
(*Mr. Solicitor General*)
c. Bill withdrawn * *Aug* 1 [Bill 221]

Lunacy Districts (Scotland) Bill
Question, Mr. E. Robertson; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *July* 28, 387

Lunacy Districts (Scotland) Bill [H.L.]
(*The Lord Advocate*)
c. Moved, "That the Bill be now read 2°" *Aug* 10, 1882
Amendt. to leave out "now," add "upon this day three months" (*Mr. E. Robertson*); Question proposed, "That 'now,' &c.;" after short debate, Amendt. withdrawn
Main Question put, and agreed to; Bill read 2° [Bill 318]

Lunatic Asylums — Broadmoor Convict Asylum—Lodging Allowance
Question, Sir Thomas Esmonde; Answer, The Secretary of State for the Home Department (Mr. Matthews) *Aug* 2, 916

LYELL, Mr. L., *Orkney and Shetland*
Commissioners of Supply, Orkney—Inspection of Accounts, 1352
Parliament—Business of the House—Conveyancing (Scotland) Acts Amendment, 1379

MCARTHUR, Mr. A., *Leicester*
China (Hong Kong)—Shipment of Chinese Labourers, 1516

MCARTHUR, Mr. W. A., *Cornwall, Mid, St. Austell*
South Pacific, Islands of the—Tonga—Report of Sir Charles Mitchell, 547

MACARTNEY, Mr. W. G. E., *Antrim, S.*
Ireland—Constabulary Force Fund, 1531
Irish Land Law, Comm. *add. cl.* Amendt. 968, 969; Consid. *add. cl.* 1416

MCCALMONT, Captain J., *Antrim, E.*
Ireland—Crime and Outrage—Assault on a Protestant Home Ruler at Ballyclare, 22
Coolgreaney Evictions—Disturbances at Wexford, 348
Irish Land Commission—Sales under Lord Ashbourne's Act, 350

MCCARTAN, Mr. M., *Down, S.*
Ireland—Questions
Crime and Outrage—Assault on a Protestant Home Ruler at Ballyclare, 22;—Disturbances at Portrush, 1719
Criminal Law Amendment Act, 1887—Appointment of Magistrates—Mr. T. Hamilton and Major Beresford, 718;—Proclamation of Co. Down, 378, 380
Evictions — Evictions on the Skinners' Estate, Draperstown, Co. Londonderry, 1723, 1724
Irish Land Commission—Appeals Unheard, 914
Magistracy—Kilkeel Petty Sessions—Bernard M'Cullagh, 921;—Resident Magistrates, 363
Post Office—Conveyance of Mails in the North of Ireland, 1711
Proclamation of a Protestant Home Rule Meeting at Kilkerton, 523, 524

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McCartan, Mr. M.—*cont.*
  Irish Land Law, Comm. *cl.* 4, Amendt. 473, 475, 476, 478, 480; *cl.* 6, 644; Amendt. 650, 652; *add. cl.* 989; Consid. *add. cl.* 1419, 1428; *cl.* 7, Amendt. 1472; *cl.* 9, Amendt. 1473
  Law and Police—Arrest of Mr. Fred Henderson at Norwich, 1139, 1553
  Post Office—Central Telegraph Office—Vacant Clerkships, 520, 1367
  War Office—Insanitary Condition of the Barracks at Newtownards, 1529

Macdonald, Right Hon. J. H. A. (Lord Advocate), *Edinburgh and St. Andrew's Universities*
  Crofters' Holdings (Scotland), 484; Lords Reasons Consid. 167, 176
  Lunacy Districts (Scotland), 2R. 1882
  Parliament—Business of the House—Order of Public Business, 1494
    Scotch Business, 1176
  Scotland—Questions
    Collections for the Crown in Orkney, 1543
    Commissioners of Supply, Orkney—Inspection of Accounts, 1352;—Ratepayers of Orkney, 1706
    Crofters' Commission, 1883-4—Crofter Witnesses from Uist, 1527;—Gaelic Language—Appointment of Sheriff Substitute in the Island of Lewis, 1528
    Education Department—Gillespie's School, Edinburgh, 1706
    Fisheries—Island of Lewis, 1528
    Fishery Board—District Fishery Boards, 915;—Reconstitution, 1378, 1379;—Report—Beam Trawling, 1704
    Law and Justice—Shorthand Writing in Dornoch Sheriff Court, 364
    Law and Police—Attack on Charles Robertson, Inverness-shire, 519;—Blantyre Riots, 525
    Magistracy—Eligibility to Judicial Offices, 1714
    Presumption of Life Limitation Act, 1881, 1881
    Sasine Office, Edinburgh—The Clerks, 1542
    Technical Instruction, 382
  Secretary for Scotland Act (1885) Amendment, 2R. 1918, 1930
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  Supply—Criminal Proceedings in Scotland, Lord Advocate's Department, &c. 1803, 1812, 1813, 1814
    Fishery Board in Scotland, &c. 1764, 1774, 1775, 1784, 1786, 1795, 1798
    Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, 1761
    Secretary for Scotland, &c. 1735, 1736, 1739, 1749, 1753, 1755, 1756
    Woods, Forests, &c. 1624
  Technical Schools (Scotland), 2R. 1938, 1947

McDonald, Mr. P., *Sligo, N.*
  Dublin, Wicklow, and Wexford Railway (City of Dublin Junction Railways), Consid. Amendt. 313
  Ireland—Evictions—Evictions on the Hillas Estate, Co. Sligo, 1705
    Royal Irish Constabulary and Dublin Metropolitan Police Pension Fund, 354

McDonald, Dr. R., *Ross and Cromarty*
  Crofters Holdings (Scotland), Lords' Reasons Consid. 174
  Scotland—Crofters' Commission, 1883-4—Crofter Witnesses from Uist, 1527;—Gaelic Language—Appointment of Sheriff Substitute in the Island of Lewis, 1527
    Fisheries—Island of Lewis, 1528
  Sheriff of Lanarkshire, 2R. 1917, 1918
  Supply—Fishery Board in Scotland, &c. 1772

Macdonald, Mr. W. A., *Queen's Co., Ossory*
  Ireland—Criminal Law Amendment Act, 1887—Proclamation of Louth, Meath, Wicklow, and Dublin, 38;—Queen's Co. 36, 37
    Law and Justice—Queen's Co. Summer Assizes—Threatening Letters, 933

McEwan, Mr. W., *Edinburgh, Central*
  Income Tax—Removal of Office of Claims from Edinburgh, 1555
  Lunacy Districts (Scotland), 2R. 1890

McKenna, Sir J. N., *Monaghan, S.*
  Dublin, Wicklow, and Wexford Railway (City of Dublin Junction Railways), Consid. 319 3R. 902
  Irish Land Law, Comm. *cl.* 1, 98; *cl.* 4, 260

McLagan, Mr. P., *Linlithgow*
  India—Jubilee Deputation from the Nizam of Hyderabad—Sirdar Diler-ul-Mulk, 717
  Metropolis—Prevention of Fires, 1556

McLaren, Mr. W. S. B., *Cheshire, Crewe*
  Agriculture (Ireland)—Dairy Schools, 1718
  Technical Instruction—"Local Authority," 1721
  Watch Clubs—Plate Licence—Unlicensed Agents, 525

Maclean, Mr. J. M., *Oldham*
  Parliament—Order—Reflections on a Member of this House—Mr. Dillon and the "Trowbridge Chronicle," Personal Explanation, 940, 942

Macnaghten, Lord
  Settled Land Act (1882) Amendment, 2R. 1697
  Truck, 2R. 1124; Comm. *cl.* 3, 1515; *cl.* 12, 1517

Mac Neill, Mr. J. G. S., *Donegal, S.*
  Ceylon—Members of the Irish and English Bar, 1133
  Ireland—Questions
    Criminal Law Amendment Act, 1887—Proclamation of Co. Wicklow, 721
    Irish History and Antiquities—The Liber Albus and Liber Niger, &c. 549
    Irish Privy Council, 1149

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Mac Neill, Mr. J. G. S.—*cont.*
  Law and Justice—Nenagh Summer Assizes—Charge of Mr. Justice Harrison, 359
  Magistracy — Resident Magistrates, 49, 362, 363
 Irish Land Law, Comm. *cl.* 1, 103; Consid. *cl.* 7, Amendt. 1472

Madden, Mr. Serjeant D. H., *Dublin University*
 Irish Land Law, Comm. *cl.* 12, Amendt. 655, 656; *cl.* 13, *ib.*; Amendt. 657, 658, 659, 660; *cl.* 15, Amendt. 667; *cl.* 22, 774; *add. cl.* 997, Amendt. 1104, 1107, 1108, 1111, 1112; Consid. *add. cl.* 1416, Amendt. 1450; *cl.* 1, Amendt. 1454, 1456; *cl.* 7, Amendt. 1472; *cl.* 9, Amendt. 1474; *cl.* 17, Amendt. 1475
 Supply—Record Office, 1561

Mahony, Mr. P., *Meath, N.*
 Ireland—Contagious Diseases (Animals) Acts—Counties Proclaimed in Ireland, 1552
  Land Commission Court—Court Valuer's Valuation, 380
 Irish Land Law, Comm. *cl.* 1, 93; *cl.* 4, 165, 435; *cl.* 5, 602; *cl.* 6, Amendt. 608, 609, 614, 645; *cl.* 14, Amendt. 663; *cl.* 22, 853; *add. cl.* Amendt. 1080, 1082, 1090, 1097, 1100, 1102, 1107, 1108, 1109; Consid. *add. cl.* 1419, 1426, 1445, 1450; *cl.* 25, 1475

Makins, Colonel W. T., *Essex, S.E.*
 Metropolitan Board of Works—Northern Outfall Sewer, 1148

Malta—Proposed Changes in the Government
 Moved, "That an humble Address be presented to Her Majesty for Correspondence between the Governor of Malta and the late Director of Education; and also a Letter, dated 25th April 1887, addressed to the Colonial Secretary by Mr. Mizzi, late Member of the Council of Government of Malta" (*The Earl De La Warr*) *July* 29, 487; after short debate, Motion withdrawn

Mappin, Sir F. T., *York, W.R., Hallamshire*
 Admiralty—Naval Manœuvres—Reported Accidents, 1377
 Army Estimates—Retired Pay, &c. 1218
 Railways (England and Wales)—Strike on the Midland Railway, 1495, 1547

Margarine (Fraudulent Sale) Bill
(*Viscount Powerscourt*)
l. Committee, after debate *Aug* 2, 873 (No. 169)
 Report *Aug* 5, 1323 (No. 205)
 Read 3ª *Aug* 9, 1698 (No. 215)
 On Question, "That the Bill do pass?" after short debate, Bill passed (No. 224)

Marjoribanks, Right Hon. E., *Berwickshire*
 Irish Land Law, Consid. *add. cl.* 1448
 Parliament—Business of the House—Order of Public Business, 1494
 Sheriff of Lanarkshire, 2R. 1915
 Supply—Fishery Board in Scotland, &c. 1762, 1775, 1791
  Mercantile Marine Fund (Grant in Aid), 1663
  Woods, Forests, &c. 1650

Markets and Fairs (Weighing of Cattle) Bill [H.L.] (*Sir Richard Paget*)
c. Committee; Report *July* 26, 176 [Bill 317]
 As amended, considered; read 3°, after short debate *Aug* 1, 870 [Bill 337]
l. Royal Assent *Aug* 8 [50 & 51 *Vict.* c. 27]

Marriage Acts—Sebright Marriage—Registrar of Mount Street
 Question, Lord Stanley of Alderley; Answer, Lord Balfour; Observations, Lord Bramwell *Aug* 8, 1517

Marriott, Right Hon. W. T. (Judge Advocate General), *Brighton*
 Army Estimates—Military Law, 1283, 1287, 1294

Marum, Mr. E. P. M., *Kilkenny, N.*
 Ireland—Land Acts—A Select Committee, 932
  Post Office—Telegraphic Communication with Urlingford, Co. Kilkenny, 1364
 Irish Land Law, Comm. *cl.* 4, Amendt. 239, 241, 246, 563, 564, 582, 583; *cl.* 5, Amendt. 597, 598, 601; *cl.* 22, 741; Amendt. 749, 750, 781; *add. cl.* 964, 966, 967, 968, 1034; Amendt. 1080, 1102, 1104

Mason, Mr. S., *Lanark, Mid*
 Parliament—Business of the House, 52
 Sheriff of Lanarkshire, 2R. 1912
 Supply—Secretary for Scotland, &c. 1758
 Technical Schools (Scotland), 2R. 1949

Matthews, Right Hon. H. (Secretary of State for the Home Department), *Birmingham, E.*
 Agricultural Department—The Hessian Fly in Essex, &c. 32, 551, 916
 Amalgamated Society of Carpenters and Joiners—Loss of Tools, 546
 Burials Act—New Cemetery for Battersea, 706, 1151, 1172
 Cemeteries Clauses Act, 1848—Cemeteries of Bethnal Green and others, 928
 Coal Mines Regulation Act, 1872—Questions
  Durham Colliery Explosion, 20
  Examination Fees, 923
  Examinations for Managers' Certificates, 1165
  Poggs Collieries—Darcy Lever, 521
 Commons (Metropolis)—Tooting Common, 710

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Matthews, Right Hon. H.—*cont.*
Constabulary Forces—Police Superannuation, 1702
Criminal Law—Babbicome Murder—John Lee, 1179
Criminal Law Administration—Registration of Prisoners, 1127
Extraordinary Tithe Act, 1886 — Acreage of Hop Cultivation, 1357
Land Commissioners, 351
Housing of the Working Classes (England) Act, 1885—Sale of Corporation Land, 702
Law and Justice (England and Wales)—Bevan, Convicted of Murder at Chester Assizes, 1707
Metropolis—"Pole *v.* Endacott," 707
Law and Police—Questions
Arrest of Mr. Fred Henderson at Norwich, 1140, 1554
Explosion at the Police Office, Llanerchymedd, Co. Anglesey, 709
Infliction of Corporal Punishment on a Boy at Ilkeston, 31, 1379
Protection of Women in Public Thoroughfares, 1136
Law and Police (Metropolis)—Questions
Arrest of Miss Cass, 551, 1153, 1154;—Mr. Newton, Magistrate at Marlborough Street Police Court, 1715, 1716
Case of Pole and others—Remission of Sentences, 51
Police Courts—Charge of Assault at Bow Street Police Court — Miss Parton's Case, 374;—Hammersmith Police District, 377
Lunatic Asylums — Broadmoor Convict Asylum—Lodging Allowance, 916
Magistracy (England and Wales)—B. G. D. Cooke, J.P. for the County of Flint, 532
Metropolitan Board of Works—Questions
Alleged Corruption, 937
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Assistant Chief Constables, 715
Case of Ex-Police Sergeant Eckett, 1141
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Prison Discipline—The Reformatory Element, 1141
Public Foot and Bridle Ways—Claybury Park and Barking Side, 1354
Reformatory and Industrial Schools — Report of the Royal Commission, 544
Riots at Bolton—Retention of the Military Force, 1167, 1529
Secretary for Scotland Act (1885) Amendment, 2R. 1927
Trade, Restraints on — Mineral Water Bottle Exchange Society, 1350
Wales—Tithe Agitation—Questions
1379
Riots at Llangwn, 1536
Royal Commission at Conway, 550
Sales at Moylgrove, 1541
Weights and Measures Act—Coal Miners of Lanarkshire, 367, 368

Mauritius, The
Constitution of the Council—Sir John Pope Hennessy, Questions, Mr. Salt, Mr. Henniker Heaton, Mr. Arthur O'Connor; Answers, The Secretary of State for the Colonies (Sir Henry Holland) *July* 29, 516
Mr. Clifford Lloyd, Question, Sir Edward J. Reed; Answer, The Secretary of State for the Colonies (Sir Henry Holland) *July* 29, 536

Mauritius, The — Report of the Royal Commission
Moved, "That an humble Address be presented to Her Majesty for Papers relating to the Royal Commission of Inquiry into the affairs of the Colony of Mauritius" (*The Earl of Dunraven*) *July* 29, 495; after short debate, on Question? Resolved in the negative

Maxwell, Sir H. E. (A Lord of the Treasury), *Wigton*
Ireland—Post Office—Postmistress of Kilbride, Co. Wicklow, 707
Tramways—Schule and Skibbereen Tramway, 716
Supply—Fishery Board in Scotland, &c. 1801
Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, &c. 1759, 1760, 1761, 1762
Secretary for Scotland, &c. 1756, 1758

Mayne, Mr. T., *Tipperary, Mid*
Ireland—Roads and Bridges—The Bridge at Coroughmarkee, Co. Tipperary, 1150

Mechanics' Institutes and Free Libraries—Supply of Blue Books
Question, Mr. Caleb Wright; Answer, The Chancellor of the Exchequer (Mr. Goschen) *July* 28, 365

Merchandise Marks Law Consolidation and Amendment Bill
(*Lord Stanley of Preston*)
l. Read 2^a, after debate *July* 26, 12 (No. 170)
Committee * *July* 29 (No. 201)
Report * *Aug* 1 (No. 203)
Read 3^a * *Aug* 2 (No. 206)

Merchandise Marks Law Consolidation and Amendment Bill
Question, Mr. King; Answer, The Under Secretary of State for India (Sir John Gorst) *July* 28, 386
Circular to Foreign Powers, Question, Mr. Mundella; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *Aug* 4, 1168

Merchant Shipping
Dangers of the Red Sea, Question, Mr. Lafone; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *July* 29, 548

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Merchant Shipping—cont.

Mercantile Marine—Examination for Colour Blindness—Further Reports, Question, Mr. J. G. Talbot; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) *Aug* 4, 1128

Merchant Shipping Acts—Loss of the "Carmona"—The Inquiry, Question, Mr. Edwards-Moss; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) *Aug* 8, 1522

Merchant Shipping Acts Amendment—Pilots, Question, Mr. Puleston; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *July* 26, 47

Pilots' Certificates, Questions, Mr. O. V. Morgan, Mr. Puleston; Answers, The Secretary to the Board of Trade (Baron Henry De Worms) *Aug* 4, 1129

Saving Life at Sea—Report of the Committee, Question, Mr. Puleston; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) *Aug* 5, 1363

Merchant Shipping Act (1854) Amendment (No. 2) Bill

(*Mr. King, Sir Edward Birkbeck, Mr. Lacaita, Mr. White, Mr. Puleston, Lord Claud Hamilton, Admiral Field, Mr. Bond*)

c. Bill withdrawn * *July* 26 [Bill 184]

Merchant Shipping (Miscellaneous) Bill

(*Baron Henry De Worms, Mr. Jackson*)

c. Ordered; read 1° * *Aug* 1 [Bill 348]

Merchant Shipping (Transfer of Registry, &c.) Bill [H.L.]

(*The Lord Stanley of Preston*)

l. Bill withdrawn * *July* 26 (No. 59)

METROPOLIS (*Questions*)

Commons—Tooting Common, Question, Sir Thomas Esmonde; Answer, The Secretary of State for the Home Department (Mr. Matthews) *Aug* 1, 710

Metropolitan Improvements—The Burlington House Colonnades, Question, The Earl of Milltown; Answer, Lord Henniker *Aug* 1, 685

Fires

Prevention of Fires, Questions, Mr. Webster, Mr. M'Lagan; Answers, The First Lord of the Treasury (Mr. W. H. Smith) *Aug* 8, 1556

The Metropolitan Fire Brigade, Question, Mr. Isaacs; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *Aug* 9, 1724

Inquests—Legislation, Question, Sir Robert Fowler; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *Aug* 9, 1726

Police Courts

Clerkenwell—Miss Parton's Case—Constable Butler, Questions, Mr. Pickersgill; Answers, The Secretary of State for the Home Department (Mr. Matthews) *July* 29, 535; *Aug* 4, 1166

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METROPOLIS—*Police Courts*—cont.

The Hammersmith Police District, Questions, Mr. Fisher, Major-General Goldsworthy; Answers, The Secretary of State for the Home Department (Mr. Matthews) *July* 28, 377

Public Health

Hendon Sanitary Authority, Question, Mr. Bartley; Answer, The President of the Local Government Board (Mr. Ritchie) *July* 29, 519

Pollution of the River Lea, Question, Captain Colomb; Answer, The President of the Local Government Board (Mr. Ritchie) *July* 26, 23

Metropolitan Board of Works, The

Alleged Corruption, Questions, Mr. J. Rowlands, Mr. Sexton, Mr. T. P. O'Connor, Mr. Dixon-Hartland; Answers, The First Lord of the Treasury (Mr. W. H. Smith), The Secretary of State for the Home Department (Mr. Matthews) *Aug* 2, 935

Charges against the Metropolitan Board of Works, Question, Mr. J. Rowlands; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *July* 28, 383

Disposal of Surplus Land, Questions, Mr. O. V. Morgan, Colonel Hughes; Answers, The Secretary of State for the Home Department (Mr. Matthews) *Aug* 5, 1375

The Northern Outfall Sewer Works, Question, Colonel Makins; Answer, The Secretary of State for the Home Department (Mr. Matthews) *Aug* 4, 1148; Question, Mr. Pickersgill; Answer, Mr. Tatton Egerton *Aug* 5, 1372

Unsafe Condition of the Church of St. Mary-le-Strand, Question, Mr. Kimber; Answer, Mr. Tatton Egerton *Aug* 8, 1535

Metropolitan Board of Works (Money) Bill (*Mr. Jackson, Sir Herbert Maxwell*)

c. Ordered; read 1° * *July* 28 [Bill 315]

Moved, "That the Bill be now read 2°" *Aug* 1, 861; after debate, Moved, "That the Debate be now adjourned" (*Mr. Sexton*); after further short debate, Question put; A. 53, N. 108; M. 55 (D.L. 340) [2.20 A.M.]

Original Question again proposed, 867; Moved, "That this House do now adjourn" (*Dr. Clark*); after short debate, Motion withdrawn

Original Question again proposed; Debate adjourned

Read 2° * *Aug* 4

Committee; Report *Aug* 8, 1668

Read 3° * *Aug* 9

Metropolitan Open Spaces Acts Extension Bill (*Lord Mount-Temple*)

l. Adjourned Debate on the Amendt. moved on *July* 19 on Report, read; Debate resumed *July* 26, 17; Amendt. withdrawn; Further Amendts. made (No. 168)

Read 3ª * *July* 28 (No. 190)

[Now *Open Spaces*]

Navy—*cont.*

H.M.SS. "Kite," "Curlew," and "Black Prince," Accidents on Board, Question, Captain Colomb; Answer, The First Lord of the Admiralty (Lord George Hamilton) *Aug* 9, 1712

Reported Accidents, Questions, Mr. Puleston, Sir Wilfrid Lawson, Sir Frederick Mappin; Answers, The First Lord of the Admiralty (Lord George Hamilton) *Aug* 5, 1376

The Royal Marine Artillery, Question, Captain Colomb; Answer, The First Lord of the Admiralty (Lord George Hamilton) *Aug* 1, 700

Naval Manœuvres, The, Questions, Captain Colomb; Answers, The First Lord of the Admiralty (Lord George Hamilton) *Aug* 4, 1131

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Select Committee appointed, "to consider the Law relating to the rating and valuation of the various kinds of property subject to assessment in Scotland; and to report what amendments may be necessary therein" (*Mr. Edmund Robertson*) *Aug* 4

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Revenue Bill (*Mr. Jackson, Mr. Chancellor of the Exchequer, Sir Herbert Maxwell*)
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- Irish Land Law, Comm. *cl.* 4, 148, 149, 464; *cl.* 6, 637; *cl.* 22, 848; *add. cl.* 1028; Consid. *add. cl.* 1424, 1425
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(*Mr. Llewellyn, Sir Richard Paget, Mr. Hobhouse, Mr. Whitmore, Mr. Quilter*)

c. Bill withdrawn * *Aug* 4 [Bill 106]

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Collections for the Crown in Orkney, Question, Mr. Macdonald Cameron; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) *Aug* 8, 1543
Ratepayers of Orkney, Question, Mr. Macdonald Cameron; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) *Aug* 9, 1706
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The Island of Lewis, Question, Dr. R. M'Donald; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) *Aug* 8, 1528

FISHERY BOARD (SCOTLAND)
District Fishery Boards, Question, Mr. Anderson; Answer, The Lord Advocate (Mr. J. H. A. Macdonald); Question, Dr. Clark [No reply] *Aug* 2, 915
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Secretary for Scotland Act (1885) Amendment Bill [H.L]
(*The Marquess of Lothian*)
l. Presented; read 1ª * *July* 28 (No. 194)
Read 2ª, after short debate *Aug* 1, 637
Committee *; Report *Aug* 2
Read 3ª, after short debate *Aug* 5, 1340
c. Read 1º * (*Lord Advocate*) *Aug* 6 [Bill 360]
Moved, "That the Bill be now read 2º" *Aug* 10, 1918
After short debate, Amendt., to leave out from "That," add "no Bill dealing with the powers and duties of the Secretary for Scotland will be satisfactory which does not provide that the office of Secretary for Scotland be held by one of Her Majesty's Principal Secretaries of State (*Mr. Anderson*); Question proposed, "That the words, &c;" after further short debate, Question put, and agreed to; main Question put, and agreed to; Bill read 2º

SELBORNE, Earl of
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Sellar, Mr. A. C., *Lanarkshire, Partick*
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Selwin-Ibbetson, Right Hon. Sir H. J., *Essex, Epping*
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Settled Land Act (1882) Amendment Bill
(*Mr. Haldane, Mr. Chance*)
c. Ordered; read 1° * *July* 27 [Bill 339]
Read 2° * *Aug* 1
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l. Read 1ª * (*Lord Macnaghten*) *Aug* 8 (No. 220)
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Sexton, Mr. T., *Belfast, W.*
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Metropolitan Board of Works (Money), 2R. Motion for Adjournment, 864
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Sheehy, Mr. D., *Galway, S.*
Irish Land Law, Comm. *add. cl.* 1118, 1119; Consid. *add. cl.* 1419

Sheffield Corporation Water Bill [*Lords*]
(*by Order*)
c. Moved, "That the Bill, as amended, be now considered" *July* 28, 300
Amendt., to leave out from "That," add "this House is of opinion that the allowance of a term of ninety years for the redemption of the said annuities is contrary to the spirit of Standing Order 173A of this House, but, having regard to the special circumstances mentioned in the said Report, orders the Bill to be considered To-morrow" (*Mr. Courtney*); Question proposed, "That the words, &c;" after short debate, Question put, and negatived; words added; main Question, as amended, put, and agreed to

Sheriff of Lanarkshire Bill
(*The Lord Advocate, Mr. Secretary Matthews, Mr. Solicitor General for Scotland*)
c. Ordered; read 1° * *Aug* 1 [Bill 349]
Moved, "That the Bill be now read 2°" *Aug* 10, 1900

Sheriff of Lanarkshire Bill—cont.
Amendt. to leave out "now," add "upon this day three months" (*Mr. Anderson*); Question proposed, "That 'now,' &c;" after debate, Question put; A. 136, N. 53; M. 83 (D. L. 370); main Question put, and agreed to; Bill read 2°

Sidebottom, Mr. T. Harrop, *Stalybridge*
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Smith, Right Hon. W. H. (First Lord of the Treasury), *Strand, Westminster*
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Technical Instruction, 2R. 1867
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Trade and Commerce—British Industries, 1731

Smith, Mr. S., *Flintshire*
Technical Instruction, 2R. 1873

Smoke Nuisance Abatement (Metropolis) Bill
(*The Lord Stratheden and Campbell*)
l. Committee put off *July* 29, 515 (No. 175)
Moved, "That the House do now resolve itself into Committee upon the said Bill" *Aug* 1, 676
Amendt. to leave out from ("That") insert ("before the law for the prohibition of smoke is extended to private dwellings, it is desirable that the purpose and intention of the existing Acts be more fully carried into effect, either by their amendment or by their administration") (*The Earl of Wemyss*); after short debate, on Question, Whether the words proposed to be left out stand part of the Motion? Cont. 12, Not-Cont. 30; M. 18; resolved in the negative; Motion, as amended, agreed to

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Spain—Alleged Murder of a British Seaman at Bilbao by a Spanish Sentry
Question, Mr. A. E. Pease; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *July* 26, 48; Questions, Admiral Field, Mr. Pickersgill; Answers, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *July* 28, 369; Question, Mr. Anderson; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *July* 29, 552

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Incidence of Expenditure, Question, Mr. Stanley Leighton; Answer, The Vice President of the Council (Sir William Hart Dyke) *Aug* 2, 927
"*Local Authority*," Question, Mr. M'Laren; Answer, The Vice President of the Council (Sir William Hart Dyke) *Aug* 9, 1721

Technical Instruction Bill
(*Sir William Hart Dyke, Sir Henry Holland, Mr. Jackson*)
c. Moved, "That the Bill be now read 2°" *Aug* 9, 1820
  Amendt., to leave out from "That," add "while this House is desirous of seeing increased facilities for Technical Instruction afforded, it is not prepared to proceed with a measure which imposes a new charge on the ratepayers for that purpose, until such changes have been made in the incidence of local taxation as will secure the equitable contribution of all classes of the community to the

[*cont.*

Technical Instruction Bill—cont.
rates" (*Mr. Stanley Leighton*); Question proposed, "That the words, &c.;" after debate, Question put, and agreed to; main Question put, and agreed to; Bill read 2° [Bill 332]

Technical Schools (*Scotland*) *Bill*
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(*The Lord Advocate, Mr. Solicitor General for Scotland, Sir Herbert Maxwell*)
c. Ordered; read 1° * *Aug* 5 [Bill 358]
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TEMPLE, Sir R., *Worcester, Evesham*
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Temporary Dwellings Bill
(*Mr. Elton, Mr. Burt, Mr. Caine, Mr. Matthew Kenny, Colonel Makins*)
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Depression of Trade—Employment in the East End — Result of the Inquiry, Question, Captain Colomb; Answer, The President of the Local Government Board (Mr. Ritchie) *Aug* 9, 1732
Depression of Trade and Agriculture—The Bounty System of Foreign Powers, Question, Observations, The Earl of Carnarvon; Reply, The Prime Minister and Secretary of [*cont.*

Trade and Commerce—cont.
State for Foreign Affairs (The Marquess of Salisbury) *Aug* 2, 872; — *The Foreign Bounty Conference*, Question, Mr. Norris; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *Aug* 9, 1726
Restraints on Trade—Mineral Water Bottle Exchange Society, Question, Mr. Bradlaugh; Answer, The Secretary of State for the Home Department (Mr. Matthews) *Aug* 5, 1350

Tramways (Ireland) Acts Amendment Bill (*Mr. Kimber, Captain Colomb, Dr. Clark*)
c. Ordered; read 1° * *July* 26 [Bill 338]
Moved, "That the Bill be now read 2°" *Aug* 6, 1492
Amendt., to leave out "now," add "upon this day three months" (*Mr. Chance*); Question proposed, "That 'now,' &c.;" after short debate, Debate adjourned

Tramways Provisional Orders (No. 1) Bill (*Lord Stanley of Preston*)
l. Read 2ᵃ * *July* 28 (No. 181)

Tramways (War Department) Bill
(*Mr. Northcote, Mr. Edward Stanhope, Mr. Brodrick*)
c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *Aug* 3, 1122; Debate adjourned

TREASURY—First Lord (*see* SMITH, Right Hon. W. H.)

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Trinidad and Tobago Bill [H.L.]
(*The Earl of Onslow*)
l. Presented; read 1ᵃ * *July* 28 (No. 195)
Read 2ᵃ, after short debate *Aug* 2, 877
Committee *; Report *Aug* 4
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Truck Bill (*Lord Macnaghten*)
l. Read 2ᵃ *Aug* 4, 1124 (No. 179)
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(*The Lord Hobhouse*)
l. Read 2ª, after debate *July* 26, 1 (No. 151)

Trustee Savings Banks Bill
(*Mr. Jackson, Mr. Chancellor of the Exchequer, The First Lord of the Treasury*)
c. Committee—R.P. *Aug* 1, 860 [Bill 334]
Committee * ; Report *Aug* 4
Considered * ; read 3° *Aug* 5
l. Read 1ª * (*L. Elphinstone*) *Aug* 8 (No. 221)

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l. Read 1ª * (*Lord Lingen*) *Aug* 4 (No. 207)
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Universities (Scotland) Bill
(*The Lord Advocate, Mr. Solicitor General for Scotland*)
c. Ordered ; read 1° * *Aug* 4 [Bill 357]
Bill withdrawn * *Aug* 10

Vaccination Acts — Mr. A. Main — Enforcement of Penalties
Question, Mr. Pickersgill ; Answer, The President of the Local Government Board (Mr. Ritchie) *Aug* 8, 1538

Valuation of Lands (Scotland) Amendment Bill [H.L.]
(*The Marquess of Lothian*)
l. Read 3ª * *July* 26 (No. 184)
c. Read 1° * *Aug* 4 [Bill 356]

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